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Editor's Note:
S&G went to an entire online format with volume 41/2004 of the journal. The journal will be available online at: www.dsr-tka.org/ The layout and design of the journal will *not* change in the online format. The journal will be available online as a pdf document. A pdf document is identical to a traditional hardcopy journal. We hope enjoy and utilize the new format.

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A Functional Analysis of 2008 General Election Presidential TV Spots

William L. Benoit & Mark Glantz

Abstract

This study performed content analysis on the general election TV spots from Democratic nominee Barack Obama and Republican nominee John McCain in the 2008 presidential campaign. There was no significant difference in function by incumbency, which is not surprising given that neither major party candidates was the sitting president or vice president. Unlike ads from previous years, these ads contained more attacks (65%) than acclaims (34%; and like earlier campaigns few defenses: 1%). These ads stressed policy (58%) more than character (42%). The Democratic candidate, as in previous elections, discussed policy more, and character less, than the Republican candidate. Both candidates had a tendency to discuss Democratic issues generally (and the economy and jobs in particular), but Obama stressed Democratic issues more, and Republican issues less, than McCain. This essay ends with discussion of some of the unique features of the 2008 general presidential campaign.

Key Terms: 2008 general election, TV advertising, Obama, McCain, functions, topics, issue ownership

Introduction

The 2008 race for the White House had a number of unusual features. For the first time, an African-American, Barack Obama, was nominated to represent one of the two major political parties–and, for the first time, an African-American was elected president. For only the second time – and the first time in the Republican party – a woman was chosen as the vice presidential candidate (Governor Sarah Palin) for one of the two major parties. For the first time since 1952, no candidate was a sitting president or vice president. In 2008, candidates for the American presidency raised over one billion dollars (Center for Responsive Politics, 2009). Senator Barack Obama spent over $235 million on television advertising; Senator John McCain spent over $125 million (*New York Times*, 2008), a new record for presidential candidate advertising spending (these figures include both primary and general campaign spending). Part of this increase in spending (which meant more TV spots were broadcast, including a 30 minute spot aired by Obama near the end of the campaign) occurred because Obama was the first candidate in history to decline federal campaign funds for the general election. This meant he could spend more than the $84 million limit; he could spend as much as he could raise. This study investigates the general election television spots of Obama and McCain, using Functional Theory. The main purpose of the study is to extend previous research, which has analyzed general election presidential TV spots from 1952 through 2004 (see Benoit, 2007) to include 2008, but also to study the ads from this campaign.

It is important to realize that political ads are not equally persuasive – nor is a given spot equally effective with all viewers. However, meta-analysis has established that political advertising can have significant effects on viewers. Benoit, Leshner, and Chattopadhyay (2007) found that political spots increased issue knowledge, influenced perceptions of the candidates' character, changed attitudes toward candidates, affected candidate preference (vote choice), and affected vote-likelihood (turn-out). Other meta-analyses (Allen & Burrell 2002; Lau, Sigelman, & Rovner, 2007) have found no significant differences in the effects of negative versus positive ads. Clearly political television ads – both positive and negative – can affect viewers and merit scholarly attention.

Literature Review

Presidential television advertising was first employed in 1952 in the campaign featuring Dwight Eisenhower and Adlai Stephenson (Benoit, 1999). Because this message form has such a prominent place in presidential campaigns for over half a century it is not surprising that TV spots have attracted considerable scholarly attention. Books on political advertising include Ansolabehere and Iyengar (1995), Benoit (1999), Diamond and Bates (1992), Dover (2006), Goldstein and Strach (2004), Jamieson (1996), Johnson-Cartee and Copeland (1991, 1997), Kaid and Johnston (2001), Kahn and Kenney (1999), Kern (1989), Lau and Pomper (2004), Maisel and West (2004), Nelson and Boynton (1997), Nesbit (1988), Schultz (2004), Thurber, Nelson, and Dulio (2000), and West (2001). Overall, from 1952-2004 (Benoit, 2007; see also Kaid & Johnston, 2001), televised ads in the general election campaign tend to be positive: 57% acclaims (positive statements), 40% attacks (criticisms of opponent), and 1% defenses (refutations of attack). Incumbents tend to offer more acclaims (64% to 55%) and fewer attacks (35% to 44%) than challengers (Benoit, 2007). Historically, these ads discuss policy (problems amenable to governmental action, past and future governmental action) more than character (personality) at a rate of 62% to 38% (Benoit, 2007). However, again some differences have emerged on topic emphasis. Democrats as a group tend to discuss policy more (64% to 59%) and character less (36% to 41%) than Republicans (Benoit, 2007). Gronbeck (1992) discussed negative political ads, focusing on narrative in the 1988 presidential campaign. He argued this campaign broke with tradition. Instead of confining most negative advertising in the general campaign, he argued that the 1988 campaign was negative throughout. Geer (2006) offers a different perspective on attack ads. Geer shows that such ads are more likely to discuss policy than character and are more likely to include evidence than positive ads. For a general discussion of political advertising, see Kaid (2004).

Kaid, Fernandes, and Painter (2011) investigated the effects of viewing TV spots from McCain and Obama on younger voters. Exposure occurred in October 2011. Participants learned more about the candidates' issue positions than their personal qualities. These ads increased evaluations of Obama but decreased evaluations of McCain. Exposure to ads increased political information efficacy, which increased their confidence that they were equipped to participate in the political system. Perhaps consistent with that finding, these ads did not increase

political cynicism. The study also reported that females learned more than males about issues and character.

Some research applied Functional Theory to other campaign messages besides advertising. Wicks et al. (2011) applied Functional Theory to campaign blogs in 2008. They found that candidates use blogs mainly for acclaims; political parties used them mainly for attacks, and that defenses were uncommon. Benoit, Henson, and Sudbrock (2011) analyzed presidential primary debates from 2008. Candidates used acclaims more than attacks, with defenses the least common function. They discussed policy more than character. Democrats emphasized Democratic issues more than Republicans, whereas Republicans discussed Republican issues more than Democrats (see Petrocik, 1996). Benoit et al. (2011) looked at the extent to which presidential candidates in the 2008 primary were consistent across message forms ("staying on message"). Candidate messages frequently varied across medium in tone, topic, and issue emphasis. Morris and Johnson (2011) applied van Eemeren and Grootendorst's (2004a, 2004b) praga-dialectic perspective to investigate strategic maneuvering in the three general election debates of 2008). We have been unable to locate studies on the content of the 2008 general election TV spots.

This study will content analyze TV spots from the 2008 presidential general election campaign using Functional Theory to see whether these trends continue. This paper first describes Functional Theory (and develops predictions and research questions), describes the method employed, reports results, and then discusses the findings.

Functional Theory

The Functional Theory of Political Campaign Discourse was developed by Benoit and his associates through a series of studies (see, e.g., Benoit, 1999, 2007; Benoit et al., 1998, 2003). The most thorough overview can be found in Benoit (2007). Functional Theory posits citizens vote for the candidate who appears *preferable* on the criteria considered most important to each voter (Benoit, 2007). Candidates can demonstrate their desirability in three ways. First, the candidate can engage in acclaiming or self-praise. The greater the benefits or advantages of one candidate, the more likely that person will appear preferable to voters, compared with opponents. Second, candidates can attack or criticize opponents; as voters become aware of more costs or disadvantages of opponents, those competitors should appear less desirable to voters (of course, it is possible that the source of these attacks can experience a backlash from voters who dislike mudslinging). Finally, candidates who have been the target of attack can defend against (refute) those attacks. The fewer and smaller the costs or disadvantages, the more likely a candidate will appear preferable to opponents. These three options can be seen as roughly similar to cost-benefit analysis, providing information that can help persuade the voter to prefer one candidate (we do not claim that voters systematically quantify the impact of acclaims, attacks, or defenses or perform mathematical calculations to decide their vote choice; acclaims tend to increase one's benefits, attacks may increase an opponent's costs, and defenses can reduce one's costs). For example, research on

German presidential debates has confirmed viewers react differently to acclaims and attacks (Reinemann & Maurer, 2005).

The three functions (acclaims, attacks, and defenses) can be employed on two distinct topics, policy (issues) or character (personality). Policy utterances address governmental action or problems that are amenable to governmental action. Character comments are about the candidates as individuals (personality, leadership experience, and values). Of course, the relative importance of these two general topics of discourse can vary from one voter to another. Functional Theory also subdivides the two topics into three forms of policy and three forms of character (see the Appendix for examples of acclaims and attacks on the three forms of policy and the three forms of character). Based on this theory, we advance several predictions concerning TV spots in the 2008 general presidential campaign.

Functional Theory (Benoit, 2007) anticipates that acclaims will be more common than attacks: Acclaims have no drawbacks, but because many voters report they dislike mudslinging (Merritt, 1984; Stewart, 1975) there is some incentive to moderate attacks. Defenses are expected to be rare for three reasons: Most attacks occur where a candidate is weak, so responding to an attack will usually take the candidate off-message; one must identify an attack to refute it and that identification may inform or remind voters of a potential weakness; and attacks may create the undesirable impression that the candidate is reactive rather than proactive.

H1: American presidential TV spots in the 2008 general election campaign will use more acclaims than attacks and more attacks than defenses.

As the literature review made clear, this prediction is consistent with past research on presidential TV spots (Benoit, 2007).

As the literature review indicated, as a group incumbents tend to be more positive (more acclaims, fewer attacks) than challengers (Benoit, 2007). This is in part due to the nature of their record in office: Only the incumbent has a record in the presidency, and that record is arguably the most relevant evidence for how one will perform in that office. Both candidates have a tendency to discuss the incumbent's record more often than the challenger's record. Of course, when incumbents talk about their record in office, they tend to acclaim. In contrast, when challengers discuss the incumbent's record, they are prone to attack.

H2: The incumbent party candidates in 2008 general election campaign spots will acclaim more, and attack less, than the challenger.

Of course, as noted earlier, there is no true incumbent in 2008: President George W. Bush is at the end of his second term and Vice President Dick Cheney decided not to run for the presidency. Still, McCain is of the same party as the president and this relationship may continue in 2008.

Research on previous presidential TV Spots has found that policy is more common than character (Benoit, 2007). Public opinion polls for presidential

(Benoit, 2003) elections in America reveal that most voters say policy is a more important influence on their vote than character. Because candidates have incentive to adapt to voter desires, Functional Theory predicts that policy will receive a heavier emphasis than character:

H3: American presidential TV spots in the 2008 general election campaign will discuss policy more than character.

Functional Theory (Benoit, 2007) argues that in general, Democrats are more likely to emphasize policy than Republicans, whereas Republicans discuss character more than Democrats. Democrats have a proclivity to see governmental solutions to problems whereas Republicans often prefer private action (e.g., charity). This means Democrats are more likely to discuss policy than Republicans. Research on prior presidential TV spots (Benoit, 2007) confirms this expectation.

H4: The Democratic candidate will discuss policy more, and character less, than Republican candidate in 2008 American general election TV spots.

This study also investigates the distribution of the three forms of policy and three forms of character in these ads.

RQ1: What is the relative emphasis on the three forms of policy in 2008 American presidential general election TV spots?
RQ2: What is the relative emphasis on the three forms of character in 2008 American presidential general election TV spots?

See the Appendix for illustrations of attacks and acclaims on the three forms of policy and three forms of character.

Functional Theory predicts candidates will be more likely to use general goals and
ideals as the basis for acclaims rather than attacks (Benoit, 2007). Some ends or principles are not really susceptible to attack: How does one oppose a goal such as creating jobs or making America secure? The last hypotheses predict that:

H5: General goals will be employed more frequently as the basis for acclaims than for attacks in 2008 American presidential general election TV spots.
H6: Ideals will be employed more frequently as the basis for acclaims than for attacks in 2008 American presidential general election TV spots.

One additional prediction, derived from issue ownership theory (Petrocik, 1996) will be investigated in this study. Over time, each of the two major political parties in the U.S. has become associated with different issues: More voters think one party can better deal with a given issue than the other party. For example, people tend to believe that Democrats can do a better job handling such issues as education and the environment; citizens are prone to think Republicans

can do a better job handling such issues as taxes and crime. Petrocik (1996) predicts presidential candidates are likely to discuss the issues owned by their own political party more often than candidates from the other party. Research has supported this prediction in presidential nomination acceptance addresses and general television spots (Petrocik, Hansen, & Benoit, 2003/2004) as well as in presidential primary and general election debates (Benoit & Hansen, 2004). This study will investigate this prediction in the 2008 presidential primary debates:

H7: Democrats discuss Democratic issues more, and Republican issues less, than Republicans in 2008 American presidential general election TV spots.

These hypotheses and research questions will guide this analysis of television spots from the 2008 American general election presidential campaign.

Method

Sample

The texts of TV spots broadcast by Obama and McCain in the general election campaign (defined as ads run after a candidate clinched his political party's nomination) were obtained from several sources. Some ads were downloaded from the candidates' webpages and some were obtained from the *National Journal*'s webpage. The sample was limited to ads broadcast on television, omitting web-only ads. This decision made the current sample comparable to samples from past research. Furthermore, it seems likely that web-only ads have a different audience (i.e., we believe a candidate's supporters are most likely to watch web-ads rather than independent voters, undecided voters, or voters who currently support the opposing political party). 80 Obama ads and 69 McCain ads comprised the sample (no ads sponsored exclusively by political parties or ads from 527 groups or PACs were included).

Coding Procedures

The content analysis, following previous research using the Functional approach, employed four steps. First, the texts of spots were unitized into themes, or utterances that address a coherent idea (only candidate remarks were coded, although questions were part of the context unit used to interpret the candidates' utterances). Benoit (2000) described the theme as "the smallest unit of discourse that is capable of expressing a complete idea" (p. 280). Similarly, Berelson (1952) indicated a theme is "an assertion about a subject" (p. 18). Holsti (1969) defines a theme as "a single assertion about some subject" (p. 116). Themes vary in length from a short phrase to several sentences: The textual excerpt must focus on a single idea to qualify as a theme.

Second, each themes' function was classified using the following rules: *Acclaims* portray the candidate speaking favorably. *Attacks* portray opponents unfavorably. *Defenses* respond to a prior attack on the candidate who is speaking.

Almost all in the texts of the debates in our sample served one of these functions; the very few other (non-functional) utterances that occurred were not analyzed.

Third, the topic of each theme was classified according to these rules: *Policy* remarks concern governmental action and problems amenable to such action. *Character* remarks address properties, abilities, or attributes of the candidates.

Because defenses occur infrequently they were not coded by topic (policy or character). Finally, policy themes were coded into one of the three forms of policy while character themes were categorized as one of the three forms of character. The Appendix provides examples of acclaims and attacks on the three forms of policy and of character, taken from a 2008 presidential primary debate.

Lexis-Nexis polls from the Roper Center in 2007 were employed to select the issues employed to test the last hypothesis on issue ownership. Iraq, the economy/jobs, health care, education, and the environment were chosen as issues owned by the Democratic party; immigration, terrorism, abortion, taxes, and crime were selected as Republican issues.

An advertisement from Obama ("Coin") illustrates how these texts were coded:

> OBAMA: I'm Barack Obama and I approve this message.
> ANNOUNCER: On health care, there are two sides. Barack Obama would require insurance companies to cover routine treatments like vaccines and mammograms [acclaim, policy, future plans, health care]. John McCain would deregulate the insurance giants, letting them bypass patient protections in your state [attack, policy, general goals, health care]. Obama would force insurance companies to cover pre-existing conditions [acclaims, policy, future plans, health care]. McCain would let them continue to do as they please [attack, policy, future plans, health care]. Isn't your health care too important to be left to chance?

This ad contains four codable themes, two acclaims and two attacks.

We employed Cohen's for calculating inter-coder reliability because this statistic controls for agreement by chance. Reliability was calculated on about 10% of the texts. The s were .97 for functions, .94 for topics, .91 for forms of policy, .87 for forms of character, and .86 for issue addressed. Landis and Koch (1977) indicate these levels of agreement are acceptable: s of .81 and above reflect "almost perfect" agreement (p. 165). We can place confidence in the reliability of these data.

Results

The first hypothesis concerned the distribution of functions in these ads. Table 1 reveals that 34% of themes were acclaims, 65% attacks, and 0.4% defenses. For example, a spot for McCain ("Spread the Wealth") relied on Governor Charlie Crist: "John McCain … will stop wasteful government spending." Most voters would agree that eliminating "wasteful" spending is a good idea, so this utterance functions as an acclaim. An Obama ad stated that "John McCain's health care plan" is "going to tax health care benefits." Presumably, most voters would not favor taxing health care benefits, so this illustrates an attack. The McCain campaign used video footage of Obama's eventual running mate, Joe

Biden, raising questions about Obama's qualifications for office in a Democratic primary debate. The Obama ad "Tested" used another statement from Biden to refute that attack:

> ANNOUNCER: Here's what Biden actually said about Barack Obama.
> BIDEN: They're going to find out this guy's got steel in his spine.

This excerpt illustrates a defense. A *chi-square goodness of fit* test reveals that this distribution is significant (X^2 [df = 2, 778] = 486.51, $p < .0001$). However, the functions are not ordered as in past campaigns: attacks were almost twice as common as acclaims, so this hypothesis was not supported (the frequency of acclaims versus attacks was also significant: X^2 [df = 1, 775] = 70.66, $p < .0001$). Note that Obama's 30 minute advertisement (not added in with his other spots) relied heavily on acclaims (82%), suggesting he wanted the final impression he made in his advertising messages to be mainly positive.

Table 1
Function of 2008 General Presidential TV Spots

	Acclaims	Attacks	Defenses
Obama (79 ads)	133 (32%)	281 (68%)	2 (0.5%)
McCain (67 ads)	137 (38%)	224 (62%)	1 (0.3%)
Total	270 (34%)	505 (65%)	3 (0.4%)
Obama 30 min ad	120 (82%)	26 (18%)	0
1952-2004	3454 (57%)	2339 (40%)	71 (1%)

Hypothesis two contrasted the functions of the incumbent- and challenger-party candidates. Although Obama's ads had a larger percentage of attacks, and a smaller percentage of acclaims, these differences were not significant (X^2 [df = 1, 775] = 2.88, $p > .05$). H2 was not supported in these data.

H3 predicted that these ads would discuss policy more often than character. 58% of the themes were policy while 42% concerned character. For example, Obama's spot "Defining Moment" declared that:

> I'll launch a rescue plan for the middle class that begins with a tax cut for 95% of working Americans.... I'll end the tax breaks for companies that ship our jobs overseas and given them to companies that create jobs here in America. And I'll make low-cost loans available to small businesses.

Each of these proposals concern policy. In contrast, McCain's "TV Special" advertisement stated that "Barack Obama lacks the experience American needs,"

a criticism of his character (leadership ability). These differences were statistically significant ($X2$ [df = 1, 775] = 21.14, $p < .0001$), so H3 was supported. See Table 2 for these data.

Table 2
Topic of 2008 General Presidential TV Spots

	Policy	Character
Obama	256 (62%)	158 (38%)
McCain	196 (54%)	165 (46%)
Total	452 (58%)	323 (42%)
Obama 30 min ad	80 (55%)	66 (45%)
1952-2004	3581 (62%)	2212 (38%)

H4 anticipated that Obama, the Democratic nominee, would discuss policy more (and character less) than McCain, the Republican nominee. Both candidates emphasized policy over character, but the contrast was larger for Obama (62% to 38%) than for McCain (54% to 46%). These differences were significant ($X2$ [df = 1, 775] = 4.51, $p < .05$, phi = .08), confirming this prediction.

The two research questions concerned the relative frequency of the three forms of policy and of character in these ads. When Obama and McCain discussed policy, general goals were most common (51%) followed by past deeds (35%) and future plans (14%). When the candidates addressed character personal qualities were discussed most often (60%), followed by leadership ability and ideals (both 20%). See Table 3 for these data.

Table 3

Forms of Policy and Character in 2008 Presidential General Election TV Spots

	Policy										Character	
	Past Deeds		Future Plans		General Goals		Personal Qualities		Leadership Ability		Ideals	
Obama	20	84	14	35	68	42	15	88	4	24	19	17
	104 (40%)		49 (19%)		110 (42%)		103 (62%)		28 (17%)		36 (22%)	
McCain	12	49	10	9	69	64	32	69	15	25	7	24
	61 (29%)		19 (9%)		133 (62%)		101 (59%)		40 (23%)		31 (18%)	
Total 2008	32	133	24	44	137	106	47	157	19	49	26	41
	165 (35%)		68 (14%)		243 (51%)		204 (60%)		68 (20%)		67 (20%)	
Total 1952-2004	715	1174	358	331	911	92	601	555	547	126	322	61
	1889 (53%)		689 (19%)		1003 (28%)		1156 (52%)		674 (30%)		383 (17%)	

Note. Percentages do not always total to 100% due to rounding.

The next two predictions concerned the functions of utterances using general goals and ideals. Although the percentages for general goals were in the predicted direction (56% acclaims, 44% attacks), this difference was not significant ($X2$ [df = 1, 243] = 3.36, $p > .05$). Ideals were used more often to attack than acclaim (61% to 39%), significant ($X2$ [df = 1, 67] = 3.95, $p < .05$) but in the wrong direction. Thus, neither hypothesis H5 nor H6 were supported.

The final prediction concerned issue ownership. Both candidates had a tendency to emphasize Democratic issues in their ads, but this proclivity was much more pronounced in Obama's (70% to 30%) than McCain's (57% to 43%) ads. These differences were significant ($X2$ [df = 1, 292] = 5.17, $p < .05$, phi = .13). So, this hypothesis was supported (see Table 4 for these data).

Table 4.
Issue Ownership in General TV Spots

	Democratic	Republican
Obama	128 (70%)	54 (30%)
McCain	63 (57%)	47 (43%)

Discussion

The 2008 presidential campaign advertisements analyzed here are the most negative in the history of American televised presidential spots (disconfirming H1). These ads were even more negative than those of the heated 1952 campaign season between Dwight Eisenhower and Adlai Stevenson: 69% of the statements in Eisenhower's TV spots were negative (Benoit, 1999). Many of the attacks made by Obama came by way of attempts to associate his opponent with President George W. Bush, whose approval rating in October of 2008 was at just 22% (Cooper & Sussman, 2008, October 31). Although there was no true incumbent in this election (as in 1952), the Obama campaign worked hard to present McCain as a surrogate incumbent- a Republican candidate who would continue the policies of the current Republican administration. McCain's party affiliation may have very well been the first strike against him, but the Obama team worked hard to find additional ways of making a McCain presidency look like four more years of George W. Bush. This echoes 1952, when Eisenhower attacked Stevenson as if the Democrat was part of the current administration (Benoit, 1999).

Some of the attacks designed to link McCain to Bush made reference to John McCain's past deeds. For instance, an ad titled "Delighted" reminded voters that McCain "voted with Bush and Cheney 90 percent of the time." For the voter who does not approve of President Bush, such claims could raise serious doubts about McCain's candidacy. Perhaps even more damning was the "90 Percent" ad in which the same claim comes from McCain's own mouth: "I voted with the president over 90 percent of the time -- higher than a lot of my – Republican colleagues." This ad suggests not only that McCain thinks like Bush, but that McCain's votes may be partly responsible for many of the country's

current troubles. By using reluctant testimony in which McCain's own words are used against him, the potential appeal of the ad increases.

Importantly, other ads connecting McCain to Bush were focused on the future. After questioning the character of McCain's closest advisors, an ad titled "Who Advises?" asserts, "Then there's George Bush, whose disastrous policies McCain wants to continue." President Bush's position at the end of a long list of questionable characters implies that Bush may in fact be the worst offender of all. Many ads like this provided visual reinforcement of the connection between Bush and McCain by featuring photographs of the two standing side by side. One such ad ("Never") also featured a narrator claiming, "We just can't afford more of the same." Other Obama ads were more specific in their attempts to link the two Republicans. For instance, "New Energy" focused on off-shore drilling policy, telling voters, "McCain and Bush support a drilling plan that won't produce a drop of oil for seven years." Another ad, titled "Floridians Hurting" tackled economic woes: "McCain promises more of the same failed Bush policies that got our economy into this mess in the first place." These ads address specific issues and still invoke the same guilt-by-association appeal echoed throughout the rest of the campaign.

Although our study does not speak to the effectiveness of Obama's attempt to paint McCain as the incumbent, poll data suggests that many Americans saw it as Obama did. Just one day prior to the election, the *Washington Post* reported that half of all likely voters saw connections between McCain and Bush (Cohen & Agiesta, 2008, November 3).

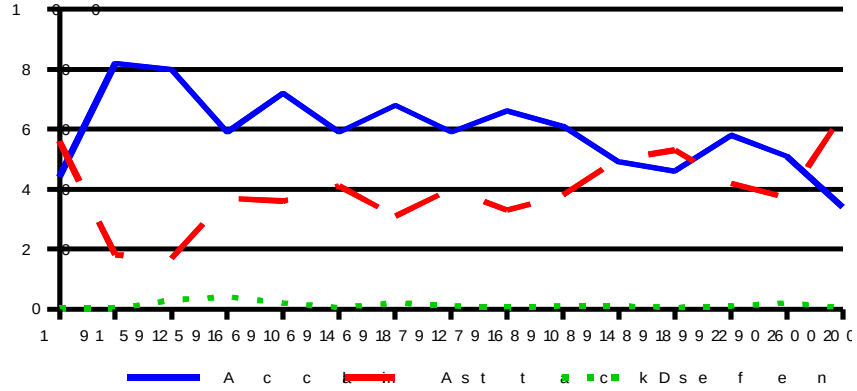
Notably, Obama was not the only candidate to use this guilt-by-association tactic in his advertisements. Obama's tax plan was a prominent theme of attack for McCain. To emphasize that his opponent would raise taxes, McCain often tried to associate Obama with other politicians who are perceived as likely to raise taxes. In "Spread the Wealth," an announcer warns: "Barack Obama and congressional liberals call it 'spreading the wealth around.' We call it higher taxes, bigger government." This ad attempts to link Obama to unnamed "congressional liberals" who would also institute tax policies with which Americans might not agree.

Statistically, McCain's advertising was no less negative than Obama's. This is notable because if McCain were a true incumbent, and not merely a surrogate incumbent, as he has been labeled here, he would have been expected to use fewer attacks and more acclaims (as H2 predicted). Because he had never been part of the executive branch, he was unable to acclaim any past achievements as president or vice president that could serve as evidence of his fitness for office.

Consistent with previous research (Benoit, 1999), these spots contained very few defenses. There are many reasons candidates would choose not to defend themselves against their opponent's attacks. Candidates who use valuable airtime to refute an opponent risk reminding audiences of prior attacks they might prefer be forgotten. Furthermore, this can take a candidate off message, forcing them to speak about a topic on which they may already be viewed as weak. For fear of appearing reactive rather than proactive, both McCain and Obama limited their use of defenses. The fact that Obama spent so much money

on television advertising in 2008 (more than ever before) meant his messages had a reach (audience exposure) unparalleled in history. See Figure 1 for a visual representation of general election TV spot functions over time.

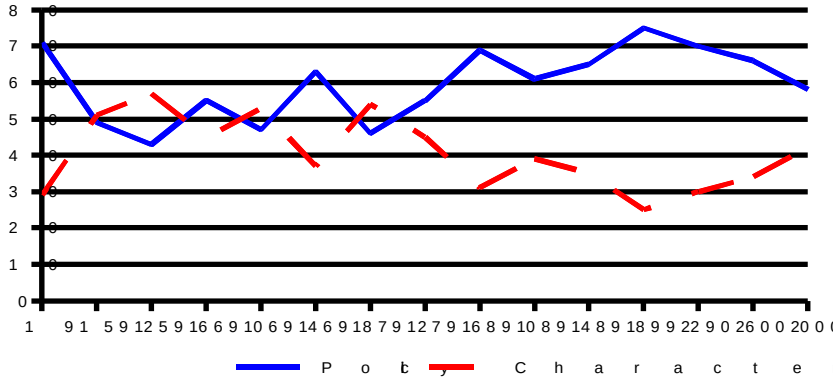
Figure 1. *Functions of General Election Presidential TV Spots, 1952-2008*



As in previous presidential campaigns, candidates spoke more about policy than they did character (as predicted by H3). In fact, this campaign's distribution of 58% policy remarks and 42% character utterances matches what was revealed by analysis of all previous presidential campaign spots (Benoit, 2007). H4, which predicted a difference in topic of utterance based on party affiliation was also upheld. Democrats tend to speak about policy more, and character less than Republicans. A common explanation for this is a willingness on the part of Democrats to suggest government solutions to society's problems. Conversely, Republicans tend to see such problems as best resolved by the private sector. Figure 2 depicts the topics of general election TV spots over time.

The distribution of forms of policy (RQ1) and character (RQ2) are reported above. The use of these forms to attack or acclaim during this campaign suggest differences from previous campaigns. Candidates were predicted to use general goals to acclaim themselves more often than to attack their opponents (H5). Similarly, it was predicted, based on previous research, that candidates would use ideals to acclaim more often than to attack (H6). Analysis of the data collected from the 2008 presidential TV spots suggests no statistical support for either of these predictions. The best explanation for this is probably the sheer volume of attacks in this body of discourse. Because candidates were on the attack so often, it is little surprise that they would attack on sub-topics of policy and character more often than other presidential candidates have.

Figure 2. *Topics of General Election Presidential TV Spots, 1952-2008*



Additional explanation comes from the lack of a true incumbent in this race. Typically, a challenger-party candidate will attack an incumbent on their past deeds as president. However, with neither candidate having ever been President of the United States, the campaigns were forced to attack on other forms of policy about which they might not typically be so negative, such as general goals. This may have also encouraged candidates to attack on forms of character, such as ideals, more than they normally might.

Where issue ownership is concerned, Obama, a Democrat, talked about Democratic issues more, and Republican issues less, than McCain, a Republican (as predicted by H7). Obama. As expected, candidates played to their own strengths, sticking to the issues their own political party is perceived as handling well. The economy was the single issue about which Obama spoke most, acclaiming his goals and plans for dealing with the recent economic downturn and attacking McCain's inability to adequately address the problem. McCain's ads spoke most often about taxes, creating concern that Obama would raise taxes, and reassuring voters that his own policies were more fair than Obama's.

That both candidates discussed more Democratic issues than Republican ones must be interpreted as an advantage for Barack Obama and the Democrats. Obama was able to discuss issues on which his party is regarded as strong or effective, while McCain was forced to discuss issues that are viewed as relative weakness for his party. A Gallup poll confirms that Americans viewed Democrat-owned issues as more important than Republican-owned issues in 2008. The economy, Iraq, health care, and education comprised 72% of all responses when people were asked which issue is most important to them. Republican-owned issues such as immigration, terrorism, taxes, abortion, and crime, collectively made up just 10% of the public's responses. It can therefore be argued that the candidates, in addressing Democratic-owned issues so often, were responding to the public's concerns. McCain was forced by events (the economic melt-down) and corresponding public opinion to focus more on Democratic- than Republican-owned issues. Still, it certainly benefitted Obama that the num-

ber one issue of concern among voters- the economy, is an issue his party is viewed as being best able to handle. Research on issue ownership in TV spots in the past shows that candidates tend to address Republican issues more than Democratic issues – although Republican candidates discussed GOP-owned issues even more than Democrats (Petrocik, Benoit, & Hanesn, 2003-2004).

Conclusion

The advertisements analyzed here demonstrated some similarities to presidential campaign spots analyzed previously. For instance, these candidates discussed policy more than character. Additionally, as previous research would predict, there were differences related to party affiliation. More specifically, Democrats discussed policy more, and character less than Republicans. Another important similarity relates to issue ownership; Democrats discussed Democrat-owned issues more, and Republican-owned issues less than Republicans.

Importantly, there were also differences between these advertisements and ones run in previous presidential elections. Many, but not all, of these differences relate to the lack of a true incumbent in the race. Functional analysis suggests that these ads were more negative than those used in any other presidential campaign. Candidates actually attacked more often than they acclaimed. Candidates also attacked relatively more than they acclaimed on sub-topics such as ideals and general goals, thus marking another difference from other campaigns.

Although these findings are limited to a particular campaign season at just one level of government, they nonetheless provide important, and sometimes surprising information regarding the unique context of the 2008 presidential election. Ultimately, this study has contributed to our knowledge regarding a campaign medium of utmost prominence in our democratic society. Future research should include web-only ads and examine advertising in other countries and at lower levels of government in the U.S. It would be interesting to combine functional analysis with issue ownership: do candidates use acclaims and attacks at the same rate with issues owned by their party and by the opposition party? Ads from non-candidate groups are also worth studying. The emergence of SuperPACs in the 2012 primary suggests that negative advertising may increase in the future.

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Appendix
Examples of Acclaims and Attacks on Forms of Policy and Character

Policy

Past Deeds

Acclaim: I "authored the Family and Medical Leave Act" (Dodd)

Attack: "This administration's been fundamentally derelict in not funding any of the requirements that are needed even to enforce the existing [immigration] law" (Biden)

Future Plans

Acclaim: "I will immediately draw down 40-50,000 troops and, over the course of the next several months, continue to bring our combat troops out of Iraq until all of our combat troops are in fact out of Iraq" (Edwards)

Attack: The president "intends to have about 100,000 or so troops [in Iraq] when he leaves office ... he would leave this war to his successor" (Clinton)

General Goals

Acclaim: "I will do everything I can to prevent Iran from becoming a nuclear power" (Clinton)

Attack: "I have a fundamental difference with Senator Obama, Senator Edwards, and Senator Clinton. . . . Their position is basically changing the mission" in Iraq (Richardson)

Character

Personal Qualities

Acclaim: "I remember where I came from. I remembered my parents counting pennies to pay the utility bills. . ., and so I know why I went into public office. I went in to stand up for the people" (Kucinich)

Attack: "I think it's important for the next president to tell the American people not just what they want to hear or to tell our base what they want to hear" (Obama)

Leadership Ability

Acclaim: "My experience on both ends of Pennsylvania Avenue, knowing how challenging it will be to take on the special interests. . . gives me a special insight into what we must do" (Clinton)

Attack: "Rudy Giuliani doesn't know what the heck he's talking about. He's the most uninformed person on American foreign policy now running for president" (Biden)

Ideals

Acclaim: "You have to remember the message of the Statue of Liberty. That is who America is: "Give me your tired, your poor, your huddled masses" (Kucinich)

Attack: spending far more on Iraq than cancer research "shows the mistaken priorities that we have in this country" (Richardson)

All examples taken from the 9/26/07 Democratic primary debate.

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When Water Works
A Case Study of Campaign Tears and the 2008 Presidential Election

Ryan Neville-Shepard

Abstract

Since the fall of Senator Ed Muskie in the 1972 Democratic primary there has been an unwritten rule that political candidates should avoid crying. However, four presidential candidates cried in ten separate incidents during the 2008 election cycle, with only three episodes receiving negative attention. Addressing this inconsistency in the "Muskie rule," in this essay I argue the effect of crying on a political candidate's image is not well understood. As such, this essay develops and applies a framework for comprehending when crying will likely trigger a public relations crisis, and when it might actually benefit a candidate.

Keywords: crying; politics; presidential rhetoric; emotions; 2008 election

Introduction

In February 1972, following a victory in the Iowa caucuses, Democratic presidential candidate Edmund Muskie appeared at the headquarters of New Hampshire's *Manchester Union Leader* to denounce its conservative editor for publishing a series of negative stories about his campaign. Muskie protested claims that he used derogatory references for French Canadians, and that his wife was a foul-mouthed chain-smoker (Weil, 1973, p. 59). Stunning those attending the rally, Muskie choked up and wiped his face. Although he later maintained he was simply wiping melting snow from his cheeks, journalists described Muskie as sobbing and the appearance was thereafter known as "the crying incident" ("Campaign teardrops," 1972; Lutz, 1999; Weil, 1973). Many Americans began doubting whether Muskie was psychologically balanced enough to be president (Lutz, 1999), and he quickly lost his front-runner status (Jamieson & Waldman, 2003; Renshon, 1996; Weil, 1973). Reflecting on what he learned from the episode, Muskie later stated, "It changed peoples' minds about me, of what kind of guy I was. They were looking for a strong steady [candidate], and here I was weak" (Renshon, 1996, p. 151). In other words, from Muskie's "moment" politicians learned a valuable lesson: candidates who cry tend to risk losing elections.

With Muskie's failure still in public memory, the number of tearful moments involving presidential candidates throughout the 2008 election cycle was astonishing. Overall, there were at least ten incidents including four candidates. Republican Mitt Romney shed tears twice: once while defending his Mormon faith on *Meet the Press*, and again when recalling a ceremony for American soldiers killed in Iraq. Hillary Clinton teared up in a New Hampshire cafe when asked about the difficulties of campaigning, and again a month later when introduced by a supervisor from her days at Yale. Senator Joe Biden choked up at

least five times: during a stump speech in Pennsylvania when he recalled the kindness of Pittsburgh Steelers owner Art Rooney following the deaths of his wife and daughter, while recounting a similar story at the Football Hall of Fame, in a speech to Delaware's delegates just before the Democratic convention, at the end of his debate with Sarah Palin, and at a rally in which he spoke of a gift that he received from a deceased soldier's father. Finally, Barack Obama also wept when announcing his grandmother's death the morning before Election Day.

Clearly, the 2008 election demonstrated the Muskie rule does not apply to all crying incidents. This is not surprising since crying is not entirely foreign in politics. Indeed, since Muskie, several political leaders have wept without being criticized (Lutz, 1999, pp. 232-233). Recognizing a growing trend in politicians crying, some have argued the Muskie rule is dead. Benac (2007), for instance, contended "once kryptonite to serious presidential candidates, today [tears] are more often seen as a useful part of the political tool kit" (para. 2). However, the display of emotions in the 2008 campaign also demonstrated public crying is still risky. For example, Hillary Clinton and Mitt Romney were both attacked for their tears. Clinton's episode in New Hampshire drew sharp criticism, with pundits like William Kristol calling her "solipsistic and narcissistic" (Garofoli, 2008, para. 5). Clinton was also said to be "doing the Muskie" (Davis & Al-Khatib, 2008; Dowd, 2008), and even her closest advisers predicted her tears would spoil her chances of winning the Democratic nomination (Novak, 2008; Thrush, 2008). Romney, moreover, was characterized as delivering a "tear-filled outburst" similar to Muskie's, which according to Retter's (2007) warning caused the earlier campaign to "[go] down in flames" (para. 7). Thus, one can assume from the 2008 election that crying in politics is not as dangerous as once thought, but also not as widely accepted as some critics might currently pretend.

Ultimately, crying in politics can be both risky and beneficial depending on the context. Lutz (1990) hinted at this when she characterized emotions in Western discourse as "paradoxical entities that are both a sign of weakness and a powerful force" (p. 70). However, there are few critical tools to understand the outcome of candidates' crying. Thomas (2008) echoed this thought when he suggested the question still unanswered for politicians is "when to show emotion, how to show it, and how much" (para. 1). Although some recent studies have implied that how crying is generally evaluated depends on how it is done and who sheds the tears (Shields, 2002; Warner & Shields, 2007), few scholars have explored in much depth the impact of crying in national elections. Of course, a few communication scholars examined Clinton's tears during the 2008 election and attributed her crisis to gender bias (Carlin & Winfrey, 2009; Falk, 2009; Manusov & Harvey, 2011; Shepard, 2009), but attention to why her tears triggered that attention was scant aside from discussion of her gender. Developing a richer understanding of the influence of candidates' tears on their public image is important, because as political communication scholars Valerie Manusov and Jessica Harvey (2011) indicated, non-verbal behavior of political leaders is increasingly used by the mass media as an opportunity to "provide commentary on those cues, offering interpretations and judgments for their au-

diences that are designed to make sense of the behavior in a certain way and that reflect popular beliefs about how communication works" (p. 284). This is often problematic for political candidates, Manusov and Harvey contended, because the press creates "narratives for the behaviors," thus providing audiences a way to "think about the behaviors and not just a mere description of them" (p. 285). Determining when crying narratives are likely to help or hinder a campaign is important not only for candidates and their staffs, but for communication scholars interested more generally in how types of non-verbal communication impact candidates. Therefore this study deals with an important question: What defines a Muskie moment? In other words, when does crying on the campaign trail trigger an unwanted public relations crisis, and when might it even enhance a candidate's image?

Through an analysis of the ten crying episodes in the 2008 presidential election, I argue that whether a political candidate can avoid Muskie's fate depends on five factors: the gender of the crier, the degree to which the candidate is considered an outsider, whether the tears communicate authenticity, the degree and frequency of the tears, and whether the audience perceives strong situational reasons for the crying. This argument develops in four parts. First, crying is defined as a significant rhetorical act due to its inherent ambiguity. Second, based on an extension of previous academic literature, five factors that determine the public's reaction to a political candidate's tears are identified and explained. Third, each crying episode from the 2008 presidential race is described in detail and the proposed framework is applied to explain why three instances of crying – involving Clinton and Romney – were criticized while the seven others received meager attention. Finally, this essay concludes with a discussion of the implications that this study has for political communication scholars and practitioners.

A Rhetorical Understanding of Tears

Emotions have long been stigmatized in Western civilization. Lutz (1988), for instance, argued that emotions are often associated with "the irrational, the uncontrollable, the vulnerable, and the female" (p. 3-4). Although there is a tendency to assume that crying stems from inherent weakness, its potential as a form of communication should not be overlooked. Noting the prevalence of public tears, Lutz (1999) contended, "emotions have begun to move from their culturally assigned place at the center of the dark recesses of inner life and are being depicted as cultural, social and linguistic operators" (p. 69). In this section, I develop this point even further by examining the rhetorical function of public crying. More specifically, I define crying as a rhetorical act and explicate the various reactions to public tears due to their enthymematic nature.

Crying in the most basic sense is the emitting of sounds or the presence of certain biological reactions that signal distress, protest, or some other emotion (Koestler, 1964). Although sometimes distinguished from weeping, which has been characterized as a basic reflex (Koestler, 1964, p. 272), many scholars now recognize the two as one in the same (Vingerhoets, Cornelius, Van Heck, & Brecht, 2000, p. 355). Crying is usually accompanied with "the overflow of the

tear-glands and a specific form of breathing [which] vary in intensity from a mere moistening of the eye and 'catching one's breath' to a profusion of tears accompanied by convulsive sobbing" (Koestler, 1964, p. 272). In other words, crying can come in multiple forms, including anything from a slight pause with moist eyes to full on bawling.

Many scholars have considered crying to be a form of communication, whether intentional or not. Behavioral psychologists, for instance, have considered crying to be a device to communicate some sort of need (Frey, 1985; Koestler, 1964; Warner & Shields, 2007). Tears function to influence others "to change the situation to the crier's liking" thus signaling that "others should pay attention and respond according to the message that the tears convey" (Warner & Shields, 2007, p. 93). Tears can be far more powerful than words, Katz (1999) argued, because they are "a personally embodied form of expression that transcends what speech can do" (p. 197). This is primarily because tears are ambiguous, since they "offer a way to express genuine emotion without the necessity of identifying the emotion behind them" (Warner & Shields, 2007, p. 93-94). Therefore, because of its inherent ambiguity, crying functions enthymematically in that it relies on the audience's knowledge of the context to determine the cause of the tears. As Manusov and Harvey (2011) contended about crying, "room always exists for more than one possible meaning to be given to the nonverbal behavior" (p. 285).

Because crying functions enthymamtically, it can be both powerful and disastrous. As Carey (2008) suggested, "short, emotionally charged narratives can travel through a population faster than any virus and alter behavior on a dime" (para. 5). If interpreted in the crier's favor, public tears can create a human drama causing sympathetic audiences to rise to the defense of those who have supposedly been wronged and reduced to weeping. However, the ambiguity in crying also makes it risky. "Tears alone," warned Warner and Shields (2007), "do not clearly indicate whether a person is genuinely and justifiably upset [and] this is especially the case when the situation is extreme or unclear" (p. 112). The enthymematic nature of crying, "leaves room for biases to influence the evaluation of another's tears" (p. 112). In other words, what is a moment of emotional honesty to some may be considered cheap pandering to many others. Under which circumstances an audience will likely reach one of these two conclusions when the crier is running for political office, however, has yet to be fully understood.

A Framework for Understanding the Influence of Tears on the Campaign Trail

Although many reporters and pundits frequently liken crying incidents to the Muskie moment, the impact of crying in politics is not so simple. While previous research on the subject of public crying has not yet produced a significant critical tool for understanding the influence of tears on the campaign trail, I contend that the collective body of existing scholarship on the matter suggests that the reception of public tears depends largely on five factors: the gender of the crier, the degree to which the candidate is perceived as an outsider, whether the

tears communicate authenticity, the degree and frequency of the crying, and whether the audience perceives strong situational reasons for the behavior. Violating audience expectations regarding any of these factors is sometimes enough to produce backlash against the emotional candidate, but a media spectacle is likely only when multiple violations occur in a single episode.

Gender Restrictions on Crying in Politics

It was once the norm that crying was unacceptable in public for both men and women. Although it was often taught that crying was occasionally a fitting private reaction for females, "males [learned] not to express their emotions, and crying [was] an especially unmasculine expression" (Ross & Mirowsky, 1984, p. 139). Males were taught "real men don't cry" because they were "expected to be tough, dominant, decisive, logical, and certainly always in control, since it was their duty to protect women and children and run the world" (Frey, 1985, p. 96). Crying, though, is a "socially and culturally conditioned expression" (Ross & Mirowsky, 1984, p. 143) and restrictions concerning who can safely cry have recently loosened.

Men in America are now more able than ever to express their sensitive side in public. The 1980's and 1990's saw a trend of powerful men unapologetically crying in public. During that period, Ronald Reagan teared up at the funerals of slain American soldiers, Michael Jordan wept after winning the NBA championship, and U.S. General Norman Schwartzkopf cried for soldiers killed in Iraq (Messner, 1993, p. 731). One cause of the changing perceptions about crying, Fields (2007) contended, is "the public is [now] accustomed to watching both male and female weepers on the television screen" (para. 4). Assuming this is true, it clearly has not diminished the dangers of crying for everyone.

While men have been increasingly able to express more of their emotions in public, the norm for women especially in the political context has changed very little. In short, Shields (2002) argued, "the Muskie rule certainly applies to women politicians" (p. 161). United States Representative Patricia Schroeder learned this when she was criticized for crying after announcing in 1987 that she would not run for president (Benac, 2007). Schroeder became a target of media pundits "for fulfilling gender expectations, for being a weak woman" (Lutz, 1999, p. 233), which led her to conclude, "The good news for men is crying is a badge of courage. The bad news is that for women it's still a scarlet letter" (quoted in Shields, 2002, p. 161). This sentiment caused critics before the 2008 election to predict that Senator Clinton would be limited by how she could conduct herself. Lutz (1999), for example, predicted that though Clinton faced condemnation for being too cold and calculated, "one can imagine the criticism that would rain down on her if she were to cry on camera" (p. 234).

Crying and the Impact of "Outsider" Status

The inherent ambiguity of crying means weepy candidates risk allowing audience bias to influence the evaluation of their tears. This means rhetors perceived to be more similar to the audience are the best suited to successfully violate norms regarding the expression of emotion. People from outsider groups are

less likely to be accepted by the majority if they cry in public for the behavior may confirm opinions that they do not belong (Warner & Shields, 2007, p. 112). Focusing on the audience, Warner and Shields reported, "their beliefs about the gender and race of the target work in conjunction with their beliefs about the appropriateness of the type and quantity of tears as the basis for evaluating others' tears" (p. 112). Warner and Shields' suggestion could probably be taken further. The more different a candidate is from the majority of potential voters – in not only race or gender, but age, religion, socioeconomic status, sexual orientation, political ideology, and other demographic categories – the more likely they will be criticized for their tears. In a political landscape where serious candidates attempt to construct a standard image of electability, anyone breaking the mold with their very identity only invites criticism when their behavior magnifies their outsider status.

Crying and Authenticity

The influence that public crying has on a politician's image depends also on whether the act enhances the rhetor's perceived authenticity. According to political strategists, authenticity is important to political success (Callahan, 2008). Authenticity, sometimes regarded as sincerity, means "intentionally telling people what one thinks, not holding back pertinent details, and not lying" (Markovits, 2008, p. 21). However, aside from being truthful, authenticity also means being emotionally honest. Because research indicates "lay people may link emotion with authenticity, even though this link may be inaccurate" (Warner & Shields, 2008, p. 113), crying is evidence for some audiences that the rhetor is one of them (Averill, 1983; Hochschild, 1983; Morgan & Averill, 1992).

In terms of enhancing one's authenticity, crying works best for candidates who normally possess a steely façade. For Ronald Reagan, Thomas (2008) argued, crying never produced backlash because "he was so manifestly rugged…that when he teared up…[it] was just warm-hearted sentiment" (para. 3). As Lutz (1999) concluded, masculine candidates crying is just a "[modern] version of kissing babies, designed to show that [the candidate has] the right kind of stuff to be president" (p. 233). As such, crying can be advantageous especially for candidates perceived as cold and calculated, but in any case will work best when it is deemed sincere.

The Need for a Moderate Degree of Crying

The biggest risk with crying is individuals may be seen as psychologically imbalanced. Crying, Lutz (1990) argued, can weaken a person because it serves "as a sign of a sort of character defect and by being a sign of at least temporary intrapsychic disorganization" (p. 70). Warner and Shields (2007) also maintained tears "can signal loss of control in a situation [and] where someone is expected to act but does not and instead cries, tears may signal failure" (p. 94). Because of these risks, crying is most likely to benefit candidates only when they shed tears moderately, both in degree and frequency.

Crying moderately in degree means an individual gives in to emotion while still maintaining control. In order to avoid a negative public spectacle, weeping,

"must communicate that one feels intensely enough to shed genuine tears, but not so overcome that one cannot still effect exquisite self-control" (Shields, 2002, p. 164). Katz (1999) suggested this kind of crying is limited to moist eyes in sad contexts. Any number of other basic characteristics of crying – including choking up, sniffling, pausing, or wiping stray tears – may also be present as long as their display is minimal. Too much of any of these characteristics, however, "can signal that the tears are deliberate" (Warner & Shields, 2007, p. 98), or that they represent psychological weakness. Similarly, shedding tears moderately also requires displays of emotion are infrequent. Crying too often not only makes an individual appear psychologically unstable and weak, but, again, also leads audiences to wonder if the tears are deliberate. Tears on the campaign trail will likely be beneficial for the rhetor if the behavior appears unusual enough to lead audiences to conclude that it has been triggered by something important (Labott, Martin, Eason, & Berkey, 1991).

Strong Situational Reasons for Crying

Whether the audience perceives there to be strong situational reasons for weeping is another factor determining how crying in political campaigns will impact a candidate. Because voters seek to be represented by serious, stable, and tough leaders, any violation of these expectations is likely to result in backlash (Frey, 1985). As such, occasions demanding strong leadership are inappropriate for tears. This includes major addresses to the nation, crisis rhetoric, state functions directed to the international community, and also speeches of self-defense. On the other hand, situations where moderate crying might be acceptable include moments of personal tragedy, moments of extreme personal pride, and whenever grief is expressed to honor certain members of the American family.

Moving Beyond Muskie: Tears and the 2008 Election

The crying incidents from the 2008 presidential election pose many questions. Is the Muskie rule really dead? Why were Mitt Romney and Hillary Clinton criticized for their tears while seven other tearful moments during the election were essentially ignored? To what extent did Clinton being a woman have an effect on the perceptions of her crying? Why could Joe Biden cry five times and avoid the fate of Ed Muskie? Or to summarize, why might have crying created backlash for some candidates, but not others? In the following analysis, I attempt to answer most of these questions by examining the particular cases with the criteria discussed in the previous section. The analysis is organized by examination of the crying episodes involving each candidate: Hillary Clinton, Mitt Romney, Joe Biden, and Barack Obama.

Hillary Clinton

Senator Clinton choked up twice during the Democratic primaries, with the first episode just days before the vote in New Hampshire being the most widely covered of any during the whole election. It was Clinton's rocky performance in early tests of the campaign that led her there. After suffering an embarrassing defeat to Barack Obama in the Iowa caucuses, Clinton's campaign lost momen-

tum and her numbers plummeted in the weeks leading to the New Hampshire primary (Liss, 2008). Various polls released before the primary "showed that Senator Obama had opened a double-digit lead over Clinton" (Healy & Santora, 2008, para. 8). It was no shock, *Time*'s Karen Tumulty (2008) reported, that the Clinton machine was "shaken down to its bolts" as the one-time front-runner was no longer the star of the election (para. 1).

Compounding Clinton's frustration was a difficult debate at Saint Anselm College on January 5, 2008, in which her rivals Obama and John Edwards teamed up against her. Clinton faced two lines of attack (Cohen, 2008; Helman & Issenberg, 2008; Jeffrey, 2008). First, Edwards accused Clinton of representing the status quo, and he repeatedly called himself and Obama the only true candidates of change ("Democrats spar," 2008). Second, Clinton was accused of being too polarizing to represent her party in the general election. Asked how she felt about some Americans' dislike for her, Clinton jokingly stated her feelings were hurt, and then praised Obama for being "very likable" ("Democrats spar," 2008). After Clinton humorously concluded, "I don't think I'm that bad," Obama wittily added, "You're likeable enough, Hillary" ("Democrats spar," 2008). While some understood Obama's comment as an attempt to be funny, many pundits called it a cheap shot (Cohen, 2008; Dowd, 2008).

Clinton's stress got the best of her and on January 7, 2008, she reacted with a brief, but tearful moment. During an appearance at a café in New Hampshire, Clinton responded to an audience member who asked how she remained so upbeat during the campaign. At first, Clinton joked about the difficulty of maintaining her good looks. She then used the moment to answer the accusations from the previous night's debate. Regarding her likeability, Clinton characterized her campaign as a selfless act in which she was fighting for the well being of America. "It's not easy," she suggested, "and I couldn't do it if I didn't passionately believe it was the right thing to do" (Kornblut, 2008, p. A09). She added, while briefly choking up, "I have so many opportunities for this country, I just don't want to see us fall backwards" (Healy & Santora, 2008, para. 6). Clinton added, "You know, this is very personal for me. It's not just political it's not just public" (Kornblut, 2008, p. A09). Regarding the assertion that she represented the status quo, Clinton clarified that she, too, was an agent of change. "I see what's happening," she claimed, "and we have to reverse it. Some people think elections are a game, [but] it's about our country, it's about our kids' futures, and it's really about all of us together" (Breslau, 2008, para. 1). Concluding with an attack on Obama, Clinton stated, "Some of us are right and some of us are wrong, some of us are ready and some of us are not, some of us know what we will do on day one and some of us haven't thought that through enough" (Healy & Santora, 2008, para. 7).

Clinton's tears in New Hampshire appeared to become a media sensation for a few reasons. Above all, Clinton's emotional moment in the midst of a difficult point in the campaign opened her up to the criticism that she was insincere and faking in hopes of connecting with female voters. Many critics (Hertzberg, 2008; Novak, 2008; Thomas, 2008) guessed Clinton's crying – like her loud laughter and newfound love for whiskey shots – might have been a part of a

larger strategy of making her appear more likeable. In essence, questions about Clinton's authenticity in light of the situation likely contributed to the backlash she received.

Second, Clinton's crumbling during a critical moment opened her up to a more brutal attack – that she, like Patricia Schroeder in 1987, had proven women are too emotional to be strong leaders. For instance, Dick Morris, a former adviser to Bill Clinton, told Fox News, "I believe that there could well come a time when there is such a serious threat to the United States that she breaks down like that" (Bellantoni, 2008, p. A01). Similarly, John Edwards told ABC News, "What we need in a commander in chief is strength and resolve, and presidential campaigns are tough business, but being President of the United States is also tough business" (Bellantoni & Curl, 2008, p. A01). This critique alluded to Clinton's gender, but it also reflected concern about the appropriateness of her emotion in the context of defending herself.

Although Clinton's crying looked like it might doom her quest for the nomination, many critics later insisted that it helped produce a dramatic turnaround for her stumbling campaign. As conservative commentator William Kristol summarized, "The pundits got it wrong, the pollsters got it wrong, [and] the voters crossed everyone out" (Liss, 2008, para. 21). Defying expectations that she would fail in the New Hampshire primary, Clinton received forty percent of the vote to Obama's thirty-seven percent. Pundits had assumed Clinton's violation of gender norms along with the belief that she was faking her tears was enough to damage her appeal to the electorate. However, the impact of her crying was likely mitigated by a few other complicating factors. First, Clinton's crying was moderate. It was rare, Givhan (2008) noted, for a woman who "over the past 17 years . . . constructed a public face that is controlled and largely inscrutable" (para. 5). Also, her crying was hardly dramatic. "She did it perfectly," Lutz (2008) suggested, because "it was . . . just enough to signal a breakdown, but never letting go, eyes getting wet, a tremble in the voice . . . but stressing that it was not for herself that she cried" (para. 9). As Givhan (2008) argued, "there were no tears rolling down Clinton's cheeks, and there was no messy sniffling. As displays of emotion go, this one was tasteful and reserved – and ever so brief" (para. 3).

Moreover, Clinton's crying in New Hampshire may have even been advantageous to her campaign because for many potential voters she revealed her human side. Having embraced a masculine political style, "many voters found Hillary off-puttingly 'manly,' cold and calculating over the years" (Lutz, 2008, para. 8). By opening up emotionally, Clinton proved that "she wasn't all macho ambition and ruthless manipulation" (para. 8). By most accounts, Clinton's tears were beneficial because she looked "more vulnerable, more human and more appealing" (Breslau, 2008, para. 5). In short, Clinton was finally showing her authentic side – "the real Hillary" who was "engaging, warm, and witty" (para. 6).

Another reason why Clinton's crying may have ultimately benefited her campaign was many voters felt her tears were acceptable given the nature of the attacks made against her. In other words, Clinton's tears and the spectacle they

created motivated many female voters who identified with her as a victim of sexism (Shepard, 2009). The exit polls partially told this story, as Clinton went from trailing in the female vote in Iowa to a 13-point lead in New Hampshire (Strange & Naughton, 2008). Moreover, exit polls conducted by Edison/Mitofsky, for example, found women who made up their minds in the last three days of the election favored Clinton by a margin of 44 percent to 36 percent (Carey, 2008). Clinton alluded to this data when she later remarked that she "had this incredible moment of connection with the voters" (Strange & Naughton, 2008, para. 3). As Lithwick (2008) summarized, Clinton's tears "turned the men around [her] into brutes [and] every woman who's ever been asked whether it's that time of the month must have felt some kinship" (para. 6). In a tearful moment functioning enthymematically, many women felt Clinton's pain and may have used the election as an opportunity to rise not only to her defense but to the defense of all women.

Although Clinton is most remembered for crying in New Hampshire, in a more minor incident she was caught tearing up again on February 4, 2008, at an event in Connecticut before the Super Tuesday elections. Penn Rhodeen, who supervised Clinton in a legal-aid society when she was a student at Yale Law School, introduced the senator by sharing some of his best memories of their days together. Hailed as "our incomparable Hillary," Clinton was remembered by Rhodeen as "[appearing] at my door, dressed mostly in purple" with a sheepskin coat and bellbottoms (Earle, 2008, para. 8). As Rhodeen himself lost his composure, Clinton was seen wiping her cheek ("A sort of," 2008). This led her to open her speech by joking, "Well, I said I would not tear up. Already, we're not exactly on that path" (Earle, 2008, para. 11).

Clinton's second crying episode produced far less attention than her first. For the most part, the incident at Yale was mentioned by the press but more as a general report on her visit ("A sort of," 2008). There were several likely reasons why Clinton's crying in Connecticut did not develop into a public spectacle, despite her gender and her previous incident. First, Clinton's tears in New Haven were seen as moderate in degree, described as a mere welling of the eyes, which she "blinked back…with a smile" (Memmott & Lawrence, 2008, para. 3). In fact, the Yale incident was even more moderate, Earle (2008) argued, in that "she didn't choke up" (para.4). Clinton's tears at Yale were also perceived as more acceptable because the situation itself was uncontroversial. Whereas Clinton was crying in New Hampshire in response to the stress of the campaign, her tears in New Haven followed a "warm introduction from an old friend" (Earle, 2008, para. 3). Thus, because of the more acceptable situation, Clinton was not accused of caving under pressure.

Whereas Clinton was attacked for crying in New Hampshire due to her perceived weakness in a stressful moment during the campaign, her gender, and questions about her authenticity, her crying incident in New Haven suggests those might not have been the most important factors at work. While Clinton's gender mattered in New Hampshire, it played no clear role in reactions to her crying in New Haven. And while Clinton's crying in New Haven came on the heals of her episode in New Hampshire, the frequency of her crying did not

seem to raise red flags in the mainstream media. As the crying episodes involving Mitt Romney will illustrate, the likely difference between Clinton's two episodes was that concern about a weeping candidate's gender and the degree of their tears may be dependent on the appropriateness of the situation.

Mitt Romney

Although Clinton's crying episode in New Hampshire was the most discussed in the election, it was actually Mitt Romney who first shed tears when he appeared on NBC's *Meet the Press* on December 16, 2007, to discuss his Mormon faith. Romney's religion became an issue in the Republican primary after his opponent, former Arkansas Governor Mike Huckabee, was seen as trying to capitalize on American ignorance about Mormonism (Goodstein, 2007). In one instance Huckabee implied Mormons were strange for believing "that Jesus and the devil are brothers" (Goodstein, 2007, para. 1). Romney's emotional moment in the interview came when host Tim Russert asked him what he thought as a younger man about the Mormon Church's exclusion of black members until 1978. "I was anxious to see a change in my church," Romney (2007) confessed, "[and] I can remember when I heard about the change" (paras. 38-39). Describing how he was driving home from law school, Romney reported, "I heard it on the radio and I pulled over and literally wept" (para. 39). At that point during the interview, Romney "choked up" (Benac, 2007, para. 3) and his "eyes appeared to [be filled] with tears" (Allen, 2007, para. 2). "Even to this day," he admitted, "it's emotional" (Romney, 2007, para. 39).

Romney wept again a day later during a stump speech in New Hampshire in which he spoke about watching the casket of a soldier killed in Iraq being ceremoniously unloaded from a plane in Boston. "The soldiers that I was with stood at attention and saluted," Romney said, "and I put my hand on my heart" ("Romney cries," 2007, para. 4). Romney's eyes filled with tears when he added, "I have five boys of my own [and] I imagined what it would be like to lose a son in a situation like that" (para. 4). Recognizing the risks of crying two days in a row, Romney defended himself to the press by saying, "I'm a normal person. I have emotion just like anyone else [and] I'm not ashamed of that at all" (para. 9).

Although Romney's tears did not trigger the media spectacle that followed Clinton's episode in New Hampshire, his own emotional moments were a subject of criticism for a few reasons. First, some of Romney's critics panned his performance because he was allegedly showing weakness in a difficult moment during the campaign. In other words, some critics suggested Romney's tears indicated he could not handle the stress of the general election, especially since he portrayed himself as being an expert in crisis management (Gandelman, 2007). Another problem was Romney's crying lacked authenticity for those familiar with his earlier rhetoric. Romney's weeping for fallen soldiers seemed authentic, but some reported it as a clear "counterbalance to a moment earlier [in the] year, when Romney told a woman in Iowa that his grown sons – none of whom has served in the military – were serving the country by helping with his campaign" ("Romney cries," 2007, para. 3). Moreover, Romney's crying about

the Mormon Church was inconsistent with the way he addressed the issue before. Defending the church in an unsuccessful campaign against Senator Ted Kennedy in 1994, "Romney angrily noted that the policy changed in 1978 [and] said he was greatly relieved, but said nothing about weeping for joy when he learned about it" (Vennochi, 2007, para. 3). According to Romney's critics, then, it appeared his tears were fabricated to deal with concerns that he once willingly embraced the exclusive policies of his church. Romney "refused to condemn the church's pre-1978 racial stance," Lutz (2008) complained, "and he started blinking away the extra tears as soon as he saw where the question was headed" (para. 10).

A third problem with Romney's crying was that many critics suspected he was faking especially since he wept two days in a row. Skeptics noted Romney's advertisements preceding his public appearances in December 2007 were obvious efforts to humanize him as a candidate. Vennochi (2007), for example, cited "a new Romney political ad [that] recounts an episode when the candidate, then head of Bain Capital, shut down the company to lead the search for an employee's missing daughter" (para. 7). The crying appeared to be a continuation of this strategy. "Now, it's easy," Vennochi maintained, "to imagine this urgent message emanating from Romney headquarters: 'Pack up the PowerPoint, muss up your hair, and show voters the tracks of your tears" (para. 5). Clearly, tearing up two days in a row was a problem for Romney. As one critic warned, "[You, Romney], are in danger of being typecast . . . [so] turn off the waterworks or it'll become a media theme and a punchline for late night comics" (Gandelman, 2007, para. 2).

Romney's crying was controversial, but he still avoided the fate of Ed Muskie because his violation of emotional norms was minimal. One reason for this was his crying was still moderate in degree, and he managed to communicate authenticity at least in some sense. Arguing that Romney usually "comes across as cool and detached," Benac (2007) noted his "showing a little emotion may not be something to cry about" (para. 5). Because Romney constantly faced a challenge of "[proving] he's not a robot" (Vennochi, 2007, para. 12), a few tears probably had a humanizing effect for some potential voters. Although the frequency of his tears led to questions about his authenticity, the public's reaction to Romney's crying was tame compared to the reaction to Clinton's incident in New Hampshire. Yet, Romney's crying, like Clinton's episode in New Hampshire, ultimately highlights the importance of the situational appropriateness of one's tears – while Romney was criticized for the frequency and inauthenticity of his crying, criticism of his tears stemmed mostly from the belief that he had either opportunistically selected a moment to show his emotional side, or that he had inappropriately caved under pressure. As the crying incidents involving Joe Biden and Barack Obama will indicate, even full on bawling is occasionally tolerated by the public as long as it is warranted by the situation.

Joe Biden

Senator Joe Biden cried as much as all other candidates in 2008 combined, and did so with far more intensity. He had a total of five crying episodes, the

first of which occurred on August 26, 2008, when he thanked Delaware's delegates to the Democratic National Convention during a scheduled breakfast. Biden at first "served up a mea culpa for his foibles and imperfections," but made his remarks more personal than previously planned (Elliot, 2008, para. 1). Treating the occasion as a farewell, Biden added, "This is a great honor being nominated and I'm proud of it, but it pales in comparison to the honor of representing you" (Bacon, 2008, para. 2). At one point, while describing the way his Democratic friends brought food and helped care for his children after a tragic car accident killed his wife and daughter, Biden fell apart. After "pausing and wiping his eyes with a handkerchief" (Gaudiano, 2008, para. 4), Biden confessed, "I wish we could have done this in private because . . . I don't know whether I would have made it through a lot of the tough times in my life without you guys" (para. 6).

Biden wept again a month later when on September 18, 2008, he toured the Football Hall of Fame in Canton, Ohio. Biden stopped at a tribute to players who served in the Vietnam War and his "eyes welled up as he looked at the Purple Heart awarded to Rocky Bleier" (Corsaro, 2008, para. 3). Bleier, Biden explained, visited his sons while they were staying in the hospital following the car crash that killed half of the Biden family. Bleier dropped by the hospital when Biden was away and gave presents to the children to lift their spirits.

On September 25, 2008, Biden openly cried during a rally in Pennsylvania in which he was introduced by Pittsburgh Steelers owner Dan Rooney. Biden explained that while his sons were in the hospital he left to purchase a Christmas tree. When he returned hours later, Biden saw "they were happy, and . . . they had a football in their beds" ("Biden chokes," 2008, para. 4). Before he attributed the good deed to Dan Rooney's father, "Biden paused, with the whole high-school gymnasium silent as the senator choked up behind the podium" (para. 5) and pressed "a white handkerchief against his welling eyes before composing himself and moving the speech along" (Callahan, 2008, para. 2). Stumbling again, Biden said, "I really apologize, I'm sorry, I shouldn't have tried to do this" ("Biden chokes," 2008, para. 10).

Biden also briefly choked up on October 2, 2008, at the end of his debate with Sarah Palin after she claimed to have a better understanding of middle class families. Asked by moderator Gwen Ifill about his weaknesses, Biden brought up his "excessive passion" and went off on a tangent about the tragedy that broke up his family: "The notion that somehow, because I'm a man, I don't know what it's like to raise two kids alone, I don't know what it's like to have a child you're not sure is going to – is going to make it" (Decker & Finnegan, 2008, para. 12). After choking up and pausing briefly, Biden concluded, "I understand, as well as – with all due respect, the governor or anybody else – what it's like for those people sitting around that kitchen table. And guess what? They're looking for help" (para. 12).

The fifth incident involving Biden crying was at a political rally in Colorado on October 22, 2008. In illustrating his desire to end the war in Iraq, Biden brought up a conversation that he had earlier in the day. A supporter who asked Biden to bring home the troops presented the senator a gift. Biden stated, as his

eyes filled with tears: "And before I knew it, he pinned this on my lapel. It's a gold star. The only way you get a gold star is if you lose a child in battle" ("Emotional Biden," 2008, para. 5). It was probably the incident least covered by the media, but was another example of Biden being comfortable enough to open up to potential voters.

Biden demonstrated that sometimes candidates can tear up frequently without significant negative ramifications. His sobbing in public occurred almost every other week between the convention and the general election. However, Biden had something that few candidates ever possess: a reputation and a coherent narrative that made his tears appear both authentic and situationally appropriate. First, Biden's tears were not too shocking because they were consistent with his sincerity that made him famous for his gaffes. Throughout the campaign, Biden was often discussed more for his mistakes than for his policy. He once asked a gentleman in a wheelchair to stand up, called some of his own campaign's ads against John McCain despicable, and was criticized for insensitive comments he made about Indians working at 7-Eleven. "But no one cares," Callahan (2008) wrote, "because it's just 'Joe being Joe'" (para. 7). Many voters were attracted to Biden's gaffes and displays of emotion because he appeared unrehearsed. As a superdelegate from Delaware mentioned during the convention, "We don't look at it that he talks too much. We like it that he says what he thinks. [And that's] why he has stayed a six-term senator" (Weeks, 2008, para. 7).

Another reason why Biden's tears were not controversial was because his behavior was deemed situationally appropriate. In four of his crying episodes Biden was speaking about the death of his wife and daughter and his struggles as a single father. Considering the nature of the tragedy that defined his life, any question about his sincerity would likely have been considered heartless. Biden was widely perceived as a survivor of great misfortune, and his willingness to talk about it came off as appreciation for those who helped him cope. Moreover, his willingness to discuss the accident further enhanced his image as one of the few authentic candidates in the race. As one elderly constituent reported, "He seems down-to-earth; he's been through a lot. He knows the common person" (Callahan, 2008, para. 8). For many people, this meant Biden could understand their pain. After getting to speak with Biden after a stump speech, one mother reported, "I told him that my son is a quadriplegic, and he gets no help from the government. [Biden] told me he lost a child, and gave me a hug. He's compassionate. Very authentic" (para. 13). Therefore, Biden's frequent crying demonstrated that candidates can violate some emotional norms as long as most Americans can identify with the reasons for their tears.

Barack Obama

Barack Obama also cried during the 2008 election when he informed a crowd in North Carolina of his grandmother's death just before Election Day. Before a large audience standing in the pouring rain, Obama announced, "Look, she has gone home. And she died peacefully in her sleep with my sister at her side" (Finnegan, 2008, para. 5). As tears flowed down his cheeks and his voice

cracked, Obama admitted to the audience "I'm not going to talk about it too long, because it's hard for me" (Tapper, 2008, para. 4). Obama then discussed the significance of Madelyn Dunham's life as he had before in stump speeches since his party's convention.

Obama's tears for his grandmother were mentioned but not negatively portrayed by major media outlets. He likely avoided a Muskie moment for a few reasons. First, Obama's crying was moderate. He had never cried in front of the country before, and on this one occasion "a single perfect tear rolled down his manly cheek" (Guest, 2008, para. 7). Second, Obama's cool and calm demeanor, noted by pundits throughout the presidential debates, meant his crying had a humanizing effect for many audience members. In this sense, Obama's crying did for him what Clinton's had allegedly done for her. "It was the most emotional and, well, human I've ever seen Sen. Obama," Julia Hoppock (2008) of ABC News reported after stating that the senator's coolness was sometimes "downright chilly" (para. 12). Finally, and perhaps most importantly, Obama's tears – like Biden's, and Clinton's in New Haven – did not raise any questions about situational appropriateness. Obama was remembering a family member who was discussed in much of his campaign rhetoric. The tragedy of a grandmother-turned-mother who suffered from cancer but died one day before witnessing a historic moment was clearly unfortunate, and an easy source for audience identification.

Conclusion

The Muskie rule has supposedly been in effect for over forty years, and the former presidential candidate's breakdown narrative has been used analogically on many occasions to explain why emotional moments involving other candidates could doom their campaigns. While shedding tears in public seems catastrophic for politicians on the stump, there are far more examples of candidates who have cried without being criticized. Perhaps no better example of this phenomenon exists than the 2008 election. In this essay I have tried to solve some of this mystery, and have contended that whether crying creates a media circus depends on the gender and perceived authenticity of the crier, the degree to which the candidate is seen as an outsider, the intensity and the frequency of the tears, and the reasons for the weeping.

This essay has several important ramifications. In respect to critical understanding of past crying episodes, this essay suggests that the Muskie rule itself has been exaggerated. Among the ten incidents involving candidates tearing up in 2008 only three led to significant criticism. In short, public tears do not automatically signal the downfall of a candidate, nor do they mean that the news media will necessarily be interested in developing that narrative. Muskie was not criticized simply because he was crying. His crying was perceived as sobbing, inappropriate for the context of defending himself, and a sign of emotional instability in light of many previous incidents that had been noted during his campaign (Shepard, 2009, p. 73). Therefore, the public reaction to his tears made sense given his specific situation and is not necessarily a good parallel for all other crying incidents.

Along the same lines, this essay also indicates that conventional understanding of Hillary Clinton's crying incident has been somewhat flawed. Most scholars examining Clinton's episode have concluded criticism of her tears in Portsmouth was the result of gender bias (Carlin & Winfrey, 2009; Falk, 2009; Manusov & Harvey, 2011; Shepard 2009). These researchers are partially right. Clinton suspiciously received more criticism for her incident in New Hampshire than any other candidates from 2008 received for their tears, and her critics made clear references to her gender when suggesting she could not be trusted because of her emotions. However, attributing criticism of Clinton mostly to gender bias is as hasty as calling every crying episode a Muskie moment. Clinton's tears at Yale a month later received little attention from the news media. The reason for this was clear: the two incidents were very different. While Clinton was a victim of the double bind throughout the campaign, her crying in New Hampshire occurred in the context of defending herself. As such, her emotion was deemed situationally inappropriate by some of her critics, as were Mitt Romney's tears a month before. Also, the efforts by Clinton's campaign to make her seem more human to voters understandably led to some skepticism when she dropped her guard in front of a room full of cameras. In other words, there were many reasons why Clinton's tears were controversial. My explanation of when crying is a bane or blessing for a candidate should encourage others to refrain from calling future incidents a Clinton or Muskie moment simply because crying is involved, and instead search for other underlying factors that made the emotional display so controversial.

In light of this correction to popular beliefs about Muskie's moment and Clinton's crying incident, this essay offers a few important lessons to political communication scholars and practitioners trying to interpret how tears may impact a candidate's image in a future race. Although each of the five factors explained in this essay play a role in how the public will likely respond to a crying incident, the presence of situational reasons for crying appears to be the most important. Because elections weed out those unfit for office, the appearance of losing control in a situation requiring strong leadership is probably the leading reason that certain crying candidates face such strong criticism. What distinguished the incidents involving Muskie, Clinton, and Romney from all others was the perception that they were collapsing under pressure. As such, when those running future campaigns are trying to assess damage caused by a tearful episode, or when candidates are contemplating being more emotionally honest at times, all should pay heed to the following advice: When the going gets tough, the tough do not cry or lash out. If this rule is ignored, candidates will see damage to their reputation exacerbated if their crying appears inauthentic or insincere, especially if they are women or members of outsider groups. This, however, does not mean campaigns are rendered helpless in these moments. Because crying is ambiguous, its meaning is up for interpretation. When accused of crumbling, and pegged for the same fate as Muskie, campaigns can battle to reinterpret emotion perceived as inappropriate. As Shepard (2009) argued, Clinton's campaign in 2008 rejected the media's framing of her tears, and reacted quickly to redefine the situation, refute the notion that she was sobbing, and

highlight the gender bias inherent in the criticism of her moment. Such a strategy was likely more responsible for Clinton's comeback than the crying itself, and serves as an important lesson to future campaigns.

This essay offers several directions for future research. In short, the findings in this essay have scratched the surface, and may be modified by future studies. First, the framework I outlined could be applied to, and tested against, many other crying incidents. For instance, the framework could be applied to similar episodes in the 2012 campaign to explain why Herman Cain and Rick Santorum were somewhat humanized by their tears (Liptack & Shepherd, 2011; Herman Cain," 2011), while Gingrich was referenced by at least some critics as a "sad, old clown" for his crying (Lupica, 2012). The framework could also be applied to major crying incidents involving political leaders in other countries. Australian Prime Minister Julia Gillard was criticized in her country for crying during a speech honoring victims of Cyclone Yasi in 2011 (Bolt, 2011), and it may be interesting to compare that incident to Clinton's episode in New Hampshire to determine the influence that the gender of the crying rhetor has on perceptions of their public tears. Second, and related to this first point, future research may attempt to determine whether certain variables should be added to the framework discussed in this essay. It very well could be the case that the character of the media source could be a dominant factor in interpretations of crying, as Manusov and Harvey (2011) have suggested. To what extent this is true was not a subject in this study, but answering that question would likely impact my findings. Finally, in extending this study, future research may also attempt to test this framework with quantitative methods. While this kind of research has been undertaken by at least one political scientist recently to examine the gender bias in candidate emotionality (Brooks, 2011), similar efforts could attempt to put many of the other factors to the test as well.

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How Attorneys Judge Collegiate Mock Trials

Ruth R. Wagoner & R. Adam Molnar

Abstract

In collegiate mock trial competition, practicing attorneys who don't coach or know the participating schools judge the students' persuasive skill. Fifty-six attorneys were interviewed after they judged collegiate mock trials. They were asked which student behaviors they rewarded, which behaviors they punished, and overall which team presented more effectively. The attorneys' responses were grouped into thematic categories and arranged by priorities. Attorneys were consistent in what they said they valued in student performances. Interviewees' answers to the question about overall team performance were compared with the numeric ballots. If global assessment were included, it would change the outcome of a substantial number of trials, which raises the question if such an item would have the same effect on any graded competition.

Keywords: mock trial, judging speech competition, scoring ballots

The Nature of the Soul
How Attorneys Judge Collegiate Mock Trials

According to Aristotle, persuasion is always aimed at the audience. Commenting on the text, Cooper (1932) noted, "a speech is to be judged by its effect upon someone. Since discourse has its end in persuasion, the speaker or writer must know the nature of the soul he wishes to persuade" (p. xx). In collegiate mock trial, the holder of the soul is the trial evaluator, the judge. Typically attorneys from the local community, judges receive a short set of standardized instructions and then assign point scores for each student's performance based on a common rubric. Additionally, judges often provide the contestants written critiques of their performance.

Mock trial merits study as a form of persuasion for several reasons. Because the teams each represent one side of a legal dispute, it is adversarial; because the courtroom has strict rules of decorum and evidence, it is highly structured; and because the student attorneys react to opposing lines of argument, it is interactive. Yet, despite the unique elements, the essence of a trial is persuasion, to convince a judge or jury. An examination of judges' comments about points awarded and withheld suggests how to improve persuasion in a mock trial. To that end, this paper reports on interviews that explored mock trial judges' content and language in explaining how they assigned points. The analysis section identifies common topics and language used by the attorneys when they were asked about their scoring decisions. While judges cited different examples of strong and weak behavior, there was surprising uniformity in the topics cited by the interviewees. This thematic analysis provides an informal example of inter-rater agreement.

About Collegiate Mock Trial

At the undergraduate level, Mock Trial is governed by the American Mock Trial Association (AMTA). About 275 schools participate in AMTA, including 17 of the top 20 schools in the US News rankings ("National University Rankings", 2011). At the beginning of each year, teams are given a fictional legal case, complete with witness affidavits, applicable case law, and a slightly modified version of the Federal Rules of Evidence. Teams of six students, three attorneys and three witnesses, prepare cases for both the plaintiff/prosecution and the defense. At a college mock trial tournament, teams compete against teams from other schools, arguing one side of the case per round. Teams switch sides of the case in successive rounds. Trials last from 1.5 to 3 hours; in most tournaments, teams compete in four rounds over a weekend.

For each tournament, hosts recruit volunteers to serve as judges. Almost all scorers are attorneys from the community in which the competition is held. At championship level tournaments, AMTA requires all judges be attorneys. Coaches or others affiliated with a team are not considered suitable judges. This standard is met at most non-championship competitions, including the two in this study. The evaluators do not know which schools the teams represent; college names are concealed during the round. Judges score each trial using a ballot standardized by AMTA (see Appendix). Each side receives point scores for 14 functions during the trial. Each attorney and each witness receive a score for both direct examination and cross examination. The opening statement and closing argument for each side are scored separately. For each function, teams can receive up to 10 points. The team with the higher total score wins the ballot of that judge; ties are possible. Most often, two attorneys working independently score each trial. It is common for judges' ballots to differ on the cumulative score for the trial.

As the sponsoring organization for college mock trial, AMTA has developed a standardized set of instructions for trial judges, which almost all tournaments use, including those in this study (AMTA, 2009). An AMTA committee developed these directions to provide uniformity in application of the point-scoring criteria listed on the ballot. The numeric scores on the ballot are the only official means of evaluating performances in the trial. While the judges may provide oral and written commentary to the teams, the words have no effect on the decision.

Literature Review

Despite 25 years of AMTA competition, little academic research has been published about intercollegiate mock trial. There is one book, Pleasing the Court, (Vile, 2005) describing intercollegiate mock trial, which is a resource for those interested in competing or learning about mock trial. It describes in some detail how to start a mock trial program and develop a competitive team. Wagoner (2005) argued AMTA mock trial was an excellent vehicle for teaching critical thinking skills. She contended the adversarial nature of the courtroom, combined with public presentation, worked better than pencil and paper tests. In 2005, Walker applied an Aristotelian rhetorical analysis to AMTA mock trials,

concluding students who used appeals to logic, emotion, and credibility would be able to capitalize on the available means of persuasion to "achieve the verdict and the points desired" (p. 286). Zeigler and Moran explored judges' gender stereotypes when evaluating student performances. Based on their analysis of ballots, direct observation, and interviews with coaches, they concluded females who acted like men scored higher (2008, p. 201). Most recently, Noblitt, Zeigler, and Westbrook examined AMTA ballots for gender bias. They concluded "that comments and assessment criteria may diverge and that the sex of both the evaluator and the student may be important" (2011, p. 136).

Other articles address the use of mock trial simulations in the classroom, such as those by Lassiter and Feser (1990) and Beck (1999). Carlson and Russo (2001) used college students as mock jurors to study pre-decisional distortion. They found both students and potential jurors spotlight evidence that is consistent with their current beliefs about the case. Navarro (2004) identified behaviors of law enforcement officials that positively and negatively affected their credibility with jurors.

Unlike mock trial, "A great deal of research focusing on the use of the individual event ballots can be found in the forensic literature" (Jensen, 1997, p.4). This research examined ballots using content analysis (Carey & Rodier, 1987; Cronn-Mills & Croucher, 2001; Dean & BeNoit, 1984; Edwards & Thompson, 2001; Elmer & VanHorn, 2003; Jensen, 1997; Klosa & DuBois, 2001; Mills, 1991). Typically, the researchers "allowed the categories to emerge from the data" (Cronn-Mills & Croucher, 2001), sorting scorers' comments into classifications (Cronn-Mills & Croucher, 2001, Dean & BeNoit, 1984; Edwards & Thompson, 2001; Jensen, 1997; Klosa & DuBois, 2001; Mills, 1991).

Elmer and Van Horn sorted scorers' comments into positive and negative categories before they were compared to criteria for assessment. They used key words to separate the comments into five categories relevant to oral interpretation (2003). Carey and Rodier (1987) used a non-frequency content analysis in which they counted the number of comments on each ballot before sorting the comments into six categories. Three articles from a special edition of Communication addressed practices for judging intercollegiate debates (Klopf, 1972a, 1972b, 1972c).

In an article reprinted from 1919, Westfall noted, "we are naturally interested in finding out what people make the most satisfactory judges" (2000, p. 11). He argued debaters should be judged by their "power to convince and persuade" and the best judge of this was the "average, intelligent individual" (p. 12). Nicolai (1987) compared professional and lay judges' decisions by contrasting undergraduates' unofficial, untabulated ranking sheets against professional judges' scores. The results showed that differences in decisions are typical within the professional judging ranks, as well as between lay and professional scorers. Nicolai did not argue that one type of judge was superior to the other. Rather, he offered an explanation of why the two types of judges might score performances differently. He described forensics as an "art form with many rules" and suggested this set of rules "may be the real cause for the dissimilar rankings" (Nicolai, 1987, p. 11).

Opsata (2005) also examined differences in judges' experience when she compared the ballots of experienced and inexperienced judges in the 2005 California High School Speech Association state tournament. She compared ballots from rounds scored by both experienced people, who had previously judged more than three tournaments, and those without experience. The results showed more than half the time (65.5%) the judges agreed. The rate of agreement was similar to results from three national tournaments that used only experienced judge panels.

Because AMTA mock trial relies primarily on attorneys without any affiliation with mock trial programs, the question of experienced versus inexperienced judges is not as pressing as what will judges score well and what will they penalize. The question, implicit in all these articles, is how best to coach. In collegiate mock trial, the lawyers who judge the competition are required to assign numbers to each student's performance. This study explored the words judges used when describing their scoring process. The authors interviewed attorneys immediately after judging a trial and asked them questions in an effort to clarify what those numbers mean, and how they correspond to student behavior in the courtroom.

Methods

The authors attended two invitational tournaments in the fall of 2008. The tournament directors granted permission to interview the attorneys who judged the competitions. The first tournament was held in two buildings, district and circuit courthouses, with a small town atmosphere in the mid-south. Approximately three weeks after the first tournament, the authors traveled to a larger city in the mid-south to conduct interviews at another invitational. This event was held in one building, a combined circuit and district courthouse, in a more metropolitan area.

Each tournament had four rounds. Interviews were conducted after rounds one, two, and three at the first event, and after all four rounds at the second event. Each round, interviews began after ballots had been submitted from the first completed trial. Two people scored each round. After seeing that a trial had finished, the interviewers headed to that courtroom and attempted to speak with both judges, though some left before they could be contacted, and a few (one at the first event and two at the second) declined the interview. After completing interviews in one courtroom, the questioners then moved to the next available completed trial. This process continued, selecting trials sequentially, until all matches had completed and all judges had either been approached or left. (There was one exception; instead of the just completed event, one judge preferred to answer about a trial he had judged the day before.) This procedure maximized the number of interviews collected after each round.

A total of 56 audio taped interviews were conducted, 24 at the first event and 32 at the second. Judges were identified by their placement in the courtroom, or on sight by the difference in appearance from college students. The authors conducted all interviews at the first event, and 27 at the second. The remaining five were collected by three experienced educator coaches, faculty at

institutions attending the tournament. A few subjects were interviewed twice, after they judged different trials. There were 22 unique subjects at the first tournament, with two repeats, and 29 unique subjects at the second competition, with three repeats. Both judges participated in eight instances (16 interviews total) at the first event, and 14 instances (28 interviews total) at the second event. The remaining interviews, eight at the first tournament and four at the second, reflected the input from only one of the two scoring judges in a trial.

Questions focused on how scorers linked behaviors to numbers. The following questions were asked at the first event. At the second event, the third question was slightly modified, substituting "presented" for "communicated," in an effort to elicit more comments about substantive issues in the trial.

1. What behaviors and actions did you reward with higher scores?
2. What behaviors and actions did you reward with lower scores?
3. Which team do you think communicated their case more clearly? Why?

The interviewees gave open-ended responses to these questions, with very little additional prompting. In addition to the audio records, the interviewers took extensive notes during the interviews, which generally lasted five to seven minutes.

At the second event, in addition to the interviews, a supplemental ballot was provided to all judges, both interviewed and non-interviewed. This ballot contained one question, the third question in the interview format: "Overall, which team did a better job presenting their case?" The result of the question did not affect scoring in the tournament; those tabulating results did not use it in any way. During judges' instructions, the attorneys were informed that the supplemental ballot would not affect scoring in the tournament. Sixty of the 62 additional ballots were returned, an excellent 97% response rate. The authors matched the qualitative response to the supplemental question with the quantitative total score on that judge's ballot. The authors were interested in differences between points awarded on the AMTA ballot, which measures only individual performance, and judges' opinions on overall presentation, which is a more global assessment.

Thematic Content Analysis

When interviewed, judges at both events identified many of the same topics, even using similar language to describe behavior. The authors followed the suggestions of Braun and Clarke (2006) for conducting a thematic analysis of content. The analysis captures ideas given by the interviewees, levels of "patterned response or meaning within the data set" (p. 82). Because mock trials are an under-researched area, the goal is to provide a sense of the predominant themes (p. 83). Unlike directed content analysis, the categories were not predetermined; they emerged as the authors listened to interview tapes and reviewed notes. This procedure aligns with most of the ballot analyses from forensics described in the literature review.

If at least one-fourth of the interviewees at either event raised a topic, that topic is included below. Preparation, demeanor, natural behavior, cross exami-

nation, and thinking on your feet were frequently mentioned at both tournaments. A new category emerged at the second event, case theme and legal consistency. Each topic description includes a narrative with quotations from the scoring attorneys.

Preparation

At the first competition, this was the most commonly mentioned area in both positive and negative comments. As one judge remarked, "I don't want to reward those who wing it." Comments about preparation appeared less frequently at the second tournament, and when it did appear, it was less likely to be the primary comment. The authors attribute this to levels of experience. The first event occurred early in the mock trial season, three weeks before the second; the additional time gave teams more practice and experience.

According to the interviewees, students functioning as attorneys must have a "command of the rules of evidence" and the laws applicable to the case. Prepared questions should be organized; there should be a "theory of the case," with questions built towards a logical conclusion. When judges can follow a team's case argument and stay focused on that, they score the side higher. Additionally, attorneys should not use notes; several interviewees commented that they never knew how bad using notes in a courtroom setting looked until they saw it from the judges' perspective.

Witnesses, at a minimum, need to know the facts of their statement very well. To score better, they also "need to know more than their [prepared] answers." In one trial, "One witness got hammered on inferences; she didn't know" how to extend her responses. Beyond facts, witnesses must "fall into that character;" believability and entertainment value were scored highly. The best witnesses combine facts, character, and answers that "tie into the theme" set by the attorneys.

Demeanor

Professionalism and respect to the judges, opposing attorneys, and witnesses was rewarded. Strong courtroom presence, "ownership of the courtroom," was positive, "he [an attorney] brought it to me." Several judges commented about proper courtroom position. On direct examination, witnesses should look at the jury, and attorneys should look at their witnesses, not the judges or jury. On cross examination, attorneys should try to get witnesses to look at them, not the jury.

Arrogance and disrespect to others were negative factors at both events, though these issues were mentioned more frequently at the first event. People should show "no disrespect and [be] very cordial." Attorneys should not take rulings personally or make flippant remarks. Pride is penalized. As one judge commented, "it makes it hard to feel for the person; it fogs vision." Another noted "you can practice law without promoting arrogance."

Natural Behavior

Judges preferred "people who seemed natural, not acting." Actions that appeared memorized, timid, or practiced were marked lower, as "Professionalism in a natural way influences who the jury likes better." Two judges mentioned hand gestures and mannerisms; "some seemed more relaxed and well spoken." This applied to both witnesses and attorneys; a judge explained her decision by saying that "as a whole, [one team's] witnesses and attorneys seemed more articulate and at ease".

Cross Examination

Attorneys needed to control the opposing witness on cross examination. At the first tournament, nine interviewees commented on this factor, the most of any single topic. Directed more towards the attorneys than the witnesses, the suggestions are uniform. "My co-judge agreed; the single biggest weakness was loss of control of witness on cross." Open-ended questions are bad on cross examination; an attorney should "lock the witness into yes or no." Otherwise, "the witness took advantage of an open question." Attorneys should not allow witnesses to ramble or run on; "they [the cross examining attorney] should have controlled the situation." Lawyers need to impeach witnesses when necessary. When that fails, one person advised that cutting losses and moving on is sometimes the best strategy.

Thinking on Your Feet

Particularly for attorneys, this was an important topic. This applied while examining witnesses; attorneys should "think on their feet and move on if necessary." Judges considered arguments about objections very important because spirited debate showed students' ability to think on their feet. "You can miss that [thinking] unless there is an objection battle." If an attorney couldn't "handle objections" by justifying the basis for the objection or question, or "didn't know why an objection should be overruled," that attorney was marked down. Sometimes multiple arguments are necessary. After the judge's ruling, attorneys with "the ability to bounce back after losing an objection" were rewarded by the scorers. Lawyers should also renew an objection if the situation persists, even if the ruling was not originally in their favor; otherwise, "the attorney who won [can take] carte blanche."

Theme and Legal Consistency

When reviewing comments from the second event, the authors were surprised by this category. It became the most frequently mentioned topic in the second set of interviews, mentioned by over half the judges. At times, theory was the decisive factor in determining the winner. To quote one judge, the better team had a "great case and theory. They repeated it … in opening, closing, and every witness." Good teams, the "real teams," had a "gestalt of coherence. It all meshes." According to another judge, he was "normally not a theme person, but [the theme] helped on facts." Legal consistency includes "identifying the elements of the evidence" and "pulling together evidence into arguments." In one

trial, the better team "laid out what they had to prove" in a clear and concise manner.

Commentary

While most comments were consistent with judge instructions, a small number acted outside the guidelines. One scorer felt that lawyers should focus more on storytelling than "speaking legalese," and reduced attorneys' scores for behaving as lawyers. Another judge did not appreciate polish and smoothness, though several other judges remarked positively on the students' professionalism. Half the interviews included a comment about opening or closing statements, but these were difficult to categorize. Most commented about a particularly good or bad speech.

After the interviews, the authors' impression is that the judges felt most strongly about demeanor and preparation. These two topics were mentioned by more judges than others, and they were mentioned first. Eight interviewees mentioned preparation as their first sentence, while seven cited demeanor.

Though judges' comments were quite similar, there were some variations. They might be a function of differences in students' performances, in judges' instructions, or in judges' values. Changes in competitors' performance are always a possibility, but the authors saw no trials and have no information about this. It is unlikely that discrepancies in the instructions to judges accounted for differences in interview content. Both tournaments used the AMTA standardized presentation for judges' instructions. Furthermore, the same person delivered the presentation in six of the seven source rounds. The third possibility is that judges in the two locations had differing perspectives on what they valued in trials. Judges at the second tournament practiced in a more metropolitan area; there is a cultural difference between the two locations. The authors believe that this accounts for some of the variation in comments, particularly in courtroom demeanor.

Global Assessment

The authors compared the qualitative response to the third question, about overall communication and presentation, with the quantitative total score on that judge's ballot. We looked for inconsistencies between what judges said about the teams and how they scored the trial. When a judge's verbal description indicated Team A won, we checked to see if that judge awarded more points to that team. A ballot was considered consistent when the team identified as better at communicating either was awarded more points or tied the other team. This definition does not include two situations in which a judge's scores favored one team by more than 20 points, yet the interviewees responded that the round was very close. While a cause of some concern, these were not considered inconsistent because the direction was the same.

At the first event, one interviewee served only as a presiding judge, not completing a scoring sheet. Of the 23 available comparisons, 15 (65%) were consistent; their interview response matched their numeric score. Eight (35%) had made a reversal, awarding lower points to the team that they indicated dur-

ing the interview had won. At the second event, judges filled out supplemental ballots. Of the 60 supplemental ballots, 14 (23%) were inconsistent; that is, the global assessment differed from the result of that judge's scored ballot.

Overall, 22 of the 83 results (27%) were inconsistent. For these ballots, the score differences ranged from 1 to 27 points (mean = 5.27, median = 4). The 27 point outlier skewed the mean; the second largest gap was 11. Hypothetically, if two points were assigned to the better team, 13 out of 83 results (16%) would be changed. That is, the other team would have won, a draw would have become a win, or a win would have changed to a draw.

In their responses to the question about communication, several judges mentioned that their overall view was strongly affected by an opening statement or closing argument. While this would likely affect a jury decision, it has a much smaller effect on which team wins the ballot. Of the 14 scores for each team, the opening and closing receive just one score each. Also, scorers are instructed not to change earlier marks based on actions later in the trial.

Limitations

There are minor technical limitations with this study. There are potential issues with the number of tournaments visited. While there were a sizable number of interviews at each tournament, the authors visited only two tournaments. According to information about invitational tournaments on the AMTA website (AMTA, 2012), there were at least 40 events scheduled in the 2008-2009 season. Furthermore, both tournaments took place in the same geographic region. If perceptions differ across the United States, this research did not capture any regional effect.

Interviewer bias, where obtained data tends to agree with the personal convictions of the interviewer, can affect any study based on content analysis (Mouly, 1970, p. 267). The authors made extensive efforts to minimize potential interviewer bias. First, neither author had read the case materials, so the authors had no preconceptions about what should happen in the trial. Second, all judges were asked the same three questions at each event. Rephrasing and clarifying questions were minimal. The only follow-up questions were requests for clarification with examples, and requests for information about witnesses when interviewees focused solely on attorney behaviors. Third, the authors reduced potential bias from familiarity by attempting to avoid people known to the authors. When the same judge was interviewed a second time, in all but one instance a different interviewer recorded the comments.

Practical Applications

The setting for this study, collegiate mock trial, is relatively restricted. While the specifics are very interesting to participants, it may appear that the results have little external validity. As defined in Wood (2004), external validity refers to the generalizability of results beyond the confines of the particular situation (p. 72). This study has external validity because it raises two general questions for anyone who evaluates student performances. The first question is how

scorers interpret instructions. The second is the effect of combining even a small global assessment with part-by-part scoring.

First, attorneys were quite consistent in their comments about what they did and did not value in students' performances. The lawyers who volunteer to judge these competitions come from civil and criminal practices. Years of experience vary from zero to 25. Many attorneys never participate in a courtroom trial. Despite these differences in background, it is remarkable that they show a high degree of consensus in their values. Law school training and the brief AMTA instructions appear sufficient to yield relatively high inter-rater agreement. Through common assignments and common rubrics, people of similar background can reach agreement on what is and is not valued in evaluating students' speeches.

The second question also deals with evaluation, the interplay between examining parts of a performance and its global effect. The AMTA ballot explicitly asks judges to evaluate individual performances. Attorneys are repeatedly instructed to "score as they go" and discouraged from retrospective marking. The instructions for judges distributed by AMTA and used at most tournaments include the statement "IT IS VITAL THAT YOU SCORE AS YOU GO" in capital letters (AMTA, 2009). The ballot has no place for an overall assessment of team performance. The advice to debate judges from the special issue of Communication warns against such a piecemeal approach. "These speeches are not separate entities but parts of an organic whole. Each speech relates to the earlier one and each must be criticized in terms of this interrelationship" (Klopf, 1972a, p. 32).

Like debate, mock trial has interactive elements with successive presentations that build upon or refute case argument. The results show that judges' global view of team performance frequently differs (27%) from the assessment of individual performances. Adding a two point item for overall team performance on a 280 point ballot would change the trial result about one-sixth of the time.

No matter what rubric, judging mock trials and speeches is not easy; as Beck (1999) wrote, "the process of judging arguments used in trials and debates requires the highest order of thinking and decision making" (p. 82). This article has investigated how attorneys judged intercollegiate mock trials. Content analysis showed a general agreement on behaviors that judges reward and punish during a trial. The data also indicate that if a global assessment were included, it would affect a substantial number of decisions. In trials, as in other persuasive situations, "it pays to win the audience over" (Aristotle, trans. 1932, p. 4).

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Appendix: American Mock Trial Association Ballot

AMERICAN MOCK TRIAL ASSOCIATION BALLOT **5**

This is a pressure form. Please write firmly with ballpoint pen to make a copy.
Do not put the ballots on top of each other when you write on them.

PL./PROS. TEAM # _____ DEFENSE TEAM # _____

ROUND 1 2 3 4 __ JUDGE'S NAME _____
(Please Print)

SCORE SUMMARY/SPEED SHEET

Please fill out this sheet and hand it in **IMMEDIATELY** after the trial, before you consult with the other judges or offer any oral critique. The prompt completion of this sheet is important to the timeliness of the next round and the efficiency of the entire tournament. Thanks for your cooperation. (Please **DO NOT** use decimals or fractions in judging performances.)

PLAINTIFF/PROSECUTION	**DEFENSE**
_____ Opening statement	_____ Opening statement
PL./PROS. CASE-IN-CHIEF	
_____ Direct exam of π #1	_____ Cross exam of π #1
_____ Witness #1 direct	
_____ Witness #1 cross	
_____ Direct exam of π #2	_____ Cross exam of π #2
_____ Witness #2 direct	
_____ Witness #2 cross	
_____ Direct exam of π #3	_____ Cross exam of π #3
_____ Witness #3 direct	
_____ Witness #3 cross	
	DEFENSE CASE-IN-CHIEF
_____ Cross exam of Δ #1	_____ Direct exam of Δ #1
	_____ Witness #1 direct
	_____ Witness #1 cross
_____ Cross exam of Δ #2	_____ Direct exam of Δ #2
	_____ Witness #2 direct
	_____ Witness #2 cross
_____ Cross exam of Δ #3	_____ Direct exam of Δ #3
	_____ Witness #3 direct
	_____ Witness #3 cross
_____ Pl./Pros. closing argument	_____ Defense closing argument

OUTSTANDING ATTORNEYS AND WITNESSES

Each judge should rank the top four attorneys and witnesses where rank #1 represents the best performance. Please indicate which side the nominees represent by circling P or D. **Use the student's name, not the character's name** – look at pages 2 and 3 if in doubt.

ATTORNEYS			WITNESSES		
1. _____	P	D	1. _____	P	D
2. _____	P	D	2. _____	P	D
3. _____	P	D	3. _____	P	D
4. _____	P	D	4. _____	P	D

A Functional Analysis of 2008 Presidential Primary TV Spots

William L. Benoit & Leslie A. Rill

Abstract

The 2008 presidential campaign was unusual for a number of reasons. For the first time since 1952, neither the President nor the Vice President contended for the Oval Office. This meant highly contested primaries in both major political parties. As the Democratic primary ground toward the end, the leading candidates were an African-American–Barack Obama–and a woman–Hillary Clinton. More money was raised and spent on the primary campaign than ever before. This means that the campaign messages in this election deserve scholarly attention. This study applies Benoit's Functional Theory and Petrocik's Issue Ownership Theory to primary campaign ads from both major parties in this campaign. Ads from both political parties used acclaims more than attacks (no defenses occurred in these ads) and discussed policy more than character. They discussed the issues owned by their own party more than those owned by the opposing party. Despite the unusual features of this election, the campaign messages produced were similar to those from previous campaigns.

Key Terms: Functional Theory, Issue Ownership Theory, 2008, presidential, primary, TV spots

Introduction

The 2008 presidential election reflected many firsts: The first time since 1952 neither major party nominee was a sitting president or vice-president, the first time the Republicans nominated a woman for vice-president (the Democrats selected Geraldine Ferraro in 1984), the first time a major party nominee was an African-American, the first time a presidential candidate declined public financing for the general election (Barack Obama). Furthermore, the presidential primary campaign also had several points of interest. Both major political parties had contested primaries. The Democratic campaign came down to a race between an African-American (Barack Obama, who secured the nomination) and a woman (former First Lady and Senator Hillary Clinton). The primary started earlier than ever, with New Hampshire moving its primary from January 27 (2004) to January 22 (2008). The state of Florida violated rules about the date of its primary and at first none of the delegates were allowed to vote at the Democratic National Convention; eventually the state delegate count was halved. Did the campaign messages produced in these circumstances resemble those from past campaigns? This phase of the presidential campaign clearly merits scholarly attention.

Literature Review

Research has investigated the nature primary television advertising in earlier presidential campaigns. This work will be divided into two major dimensions: the functions (acclaims, attacks, defenses – or positive and negative ads) and the topics (policy and character or issue and image) of these commercials.

Functions of Presidential Primary TV Spots

Kaid and Ballotti (1991) performed content analysis on more than 1,000 presidential primary campaign advertisements broadcast from 1968-1988. They reported that 18% of these ads were negative and the rest positive. West (1993), examining 262 primary spots from 1952-1992, reported that primary spots were mostly negative (55%). Benoit (2007) summarized content analysis of presidential primary TV spots from 1952-2004, indicating that 72% of the utterances in these ads were acclaims, 27% attacks, and 1% defenses. Except for West's study (which does not use a random sample of spots), extant research suggests that presidential primary spots tend to be relatively positive.

Other studies have investigated political advertising in specific primary campaigns. Payne, Marlier, and Baukus (1989) reported that 11% of the primary campaign ads in 1988 were negative. Kaid (1994) indicated that in 1992 about 17% of the Republican and Democratic primary commercials were attack ads. In 1996, 21% of the primary television advertisements were negative (Kaid, 1998). Taken as a whole this research also suggests that primary TV spots are mainly positive. This study extends this work by providing data on the functions of the primary television ads from the 2008 presidential primary campaign.

Topics of Presidential Primary Television Spots

The content of presidential primary television advertisements can also be analyzed by topic, as discussing either policy (issues) or character (image). Kaid and Ballotti's (1991) study or presidential primary commercials from 1968-1988 reported that 48% of these ads addressed issues while 32% discussed image. West (1993), who examined 150 presidential TV ads from 1972 to 1992, indicated that policy appeals were over twice as prominent in primaries (65%) than character (30% of ads; the other 5% of the ads discussed the campaign and parties). Benoit's (2007) summary of multiple studies of primary ads from 1952-2004 found that 54% of the themes in these spots concerned policy and 46% addressed character. He also reported a trend, beginning in 1980, of a greater emphasis of policy than character.

Again, studies of specific presidential primary elections also investigated the topics of these ads. Kaid (1994) reported that 59% of the television advertisements in 1992 concerned image, and 24% addressed issues. Kaid also found (1998) that the 1996 presidential primary spots were skewed to image, 59% to 41%. The discrepancy between Kaid's results and other research could stem from either the difference in procedures (Kaid codes entire spots, Functional Theory codes themes) or from the fact that Kaid seems to separate negative spots from image and issue spots: She categorized ads as negative, image, or issue (of course, negative ads can discuss either image or issues). So, policy

(issues) is discussed somewhat more than character (image) but the relatively emphasis on these two topics may vary somewhat from campaign to campaign.

Theoretical Foundations

This study investigates presidential primary TV spots from the 2008 presidential campaign. It uses two theories – Functional Theory and Issue Ownership Theory – as a theoretical foundation. Each theory and the predictions derived will be discussed next.

Functional Theory of Political Campaign Discourse

The Functional Theory of Political Campaign discourse (e.g., Benoit, 1999, 2007) to test the first two hypotheses on presidential primary TV spots from the 2008 election. This theory posits that political campaign messages are essential comparative: Each candidate strives to win by persuading voters that he (or she) is *preferable* to other candidates (occasionally a candidate will run more to champion a cause than to seek office; Functional Theory is not designed for such candidates). The choice for president need not be (or, reasonably, can be expected to be) perfect. He or she only must appear *better* for this office than opponents for enough voters. Three message strategies are available to demonstrate one's preferability.

First, a candidate can employ acclaims, engaging in self-praise. The more desirable a candidate appears to a voter, the more likely that candidate will receive a citizen's vote. For example, an ad for Clinton ("Change") declared, "We will end this war. We will give health coverage to everyone. We will be energy independent." Ending the war, providing health coverage, and energy independence are goals that are likely to appeal to many Democrats, making these utterances acclaims.

Second, candidate messages can criticize or attack opponents. An attack (if persuasive to the audience) can increase the attacker's *net* favor ability by reducing the apparent desirability of the opponent. For instance, an ad sponsored by Romney ("Remember") attacked his opponent in this passage: "John McCain has been one of those Republicans that have been wrong on tax cuts." This utterance functions to criticize his opponent, illustrating an attack.

Third, when a candidate is subjected to an attack, he or she can attempt to defend, or refute, the accusation in the attack. A defense may be able to restore some preferability lost to an attack (there were no examples of defenses in the sample of TV spots for this study).

These three functions work together as an informal variant of cost-benefit analysis. Acclaims are designed to increase a candidate's perceived benefits. Attacks, on the other hand, are intended to increase an opponent's apparent costs (so attacks increase *net* favorability). Defenses are employed to reduce a candidate's perceived costs (again, increasing *net* favorability). Each strategy contributes to the candidate's goal of persuading voters that the candidate is *preferable* to opponents. It is important to note that citizens do not constantly quantify pros and cons, performing mathematical calculations (making a voting decision is a *variant* of cost-benefit analysis). Rather, acclaims tend to increase the candi-

date's perceived benefits, attacks can increase an opponent's perceived costs, and defenses are capable of reducing the candidates' apparent costs. Together, these functions can increase the likelihood that a candidate will be perceived as preferable to an opponent.

Functional Theory predicts that the most common function of political campaign messages will be acclaims, which have no drawbacks. No utterance is automatically persuasive – indeed, different audience members (e.g., Democrats versus Republicans) often react differently to a given message because of their beliefs and values. However, attacks have a potential drawback, which does not apply to acclaims: Voters often say they do not dislike mudslinging (e.g., Merritt, 1984; Stewart, 1975). This means that attacking risks inciting backlash from voters; it does not mean candidates never attack but it gives then an incentive to attack less than they acclaim. Finally, defenses have three potential drawbacks. Given the fact that candidates usually are attacked on their weakest areas, defending against an attack usually takes the candidate off-message. Second, one must identify an attack in order to refute it; this means a defense could inform the audience of an attack they did not know about or remind them of a weakness they had forgotten. Finally, defending could create the impression that a candidate is reactive rather than proactive. For these reasons, Functional Theory anticipates that defenses will be the least frequent function used in political campaign messages. This means the first hypothesis tested here is:

H1: Acclaims will be more common than attacks, and defenses will be the least common function.

Functional Theory posits that campaign discourse can address two potential topics: policy and character. Other scholars utilize the terms "issue" for policy and "image" for character. However, this usage has drawbacks. "Issue" has two very distinct meanings. It can refer to policy questions, as we would use the term here. However, "issue" can also represent a question on which people disagree. Because political candidates at times discuss character (e.g., is my opponent honest?), character or image can be considered an issue in the second sense of the term). Furthermore, because discourse concerns perceptions of reality, it is possible speak of the "image" a candidate projects on policy, or the issues. To avoid these possible problems, Functional Theory uses the word "policy" rather than "issues" and "character" rather than "image."

It is important to acknowledge that the two concepts of policy and character are interrelated (see, e.g., Hacker, Zakahi, Giles, & McQuitty, 2000; Hinck, 1993; Rosenthal, 1966). Devlin (1995) explains, "I make no distinction [between image and issue ads] because issue ads really do create image impressions on the part of the viewer, and image ads can convey substantive information" (p. 203). Such a "spill-over" effect, in which a message addressing one topic influences the voter's perceptions on the other topic, can occur in either direction. A candidate who frequently brings up social concerns (e.g., the homeless) -- policy -- may well foster them the impression that he or she is a caring and compassionate individual -- a character impression. On the other hand, a candidate who

frequently declares that he or she cares for people, a character trait, may be assumed to have a agenda for helping the homeless, a policy question. Nevertheless, it is useful to classify campaign messages by topic. It seems likely that campaign messages would have larger effects on their explicit topics compared with the "spill-over" effect on the other topic.

Some discourse in political campaign messages addresses policy considerations. For example, Obama ("President") declared, "I'll be a president who finally makes health care affordable to every single American by bringing Democrats and Republicans together. I'll be a president who ends the tax breaks for companies that ship our jobs overseas and put a middle-class tax cut into the pockets of working Americans. And I'll be a president who ends this war in Iraq and finally bring our troops home." These topics – health care, taxes, jobs, war – illustrate discussion of policy.

The other topic of campaign discourse is character. McCain's TV spot "Backbone of Steel" declared, "John has a backbone of steel. He's a man of principle who sticks to his guns. He's been tested like no other politician in America. As a prisoner of war, he turned down an offer for early release because he refused preferential treatment." Talking about the candidate's backbone and principle illustrates character utterances.

Functional Theory expects that generally policy will be discussed more often than character in presidential campaign discourse. It appears that more voters believe the president is a policy maker instead of a role model. Research has established that (1) more citizens say policy is the most important determinant of their vote for president, rather than character, and (2) those who win presidential primary and general elections tend to discuss policy more, and character less, than losers (Benoit, 2003). These considerations lead Functional Theory to hypothesize that:

H2: Candidates will discuss policy more than character.

Functional Theory divides policy utterances into three forms of policy: past deeds – record in office, successes or failures – future plans – future governmental action, means – and general goals – ends sought by future government action. Character utterances can discuss personal qualities – character traits, such as honesty, empathy, or determination – leadership ability – skill in governing, experience in government – and ideals – values or principles. The Appendix offers an example of an acclaim and an attack on each form of policy and character. This study will also answer two research questions:

RQ1: What are the relative frequencies of the three forms of policy?
RQ2: What are the relative frequencies of the three forms of character?

Issue Ownership Theory

Petrocik (1996) developed Issue Ownership Theory to understand issue emphasis in political campaign massages. Over time, each of the two major political parties in the U.S. has become associated with different sets of issues: More

voters think one party can better deal with a given issue than the other party. For example, people tend to believe that Democrats can do a better job handling such issues as education and the environment; citizens are prone to think that Republicans can do a better job handling such issues as taxes and crime. Petrocik (1996) predicts that presidential candidates are likely to discuss the issues owned by their own political party more often than candidates from the other party. Research has supported this prediction in presidential nomination acceptance addresses and general television spots (Petrocik, Benoit, & Hansen, 2003/2004) as well as in presidential primary and general election debates (Benoit & Hansen, 2004). This study will investigate this prediction in the 2008 presidential primary ads:

H3: Democrats discuss Democratic issues more, and Republican issues less, than Republicans.

Method

This study began by obtaining the texts of presidential primary TV spots from the 2008 presidential campaign. First, the advertisements were unitized into themes, or utterances that address a coherent idea. Berelson (1952) explained that a theme is "an assertion about a subject" (p. 18). Holsti (1969) defined a theme as "a single assertion about some subject" (p. 116). Because naturally occurring discourse is enthymematic, themes can vary in length from a phrase to several sentences. Each part of a statement was broken into a separate theme whenever that part of the utterance would have been considered a theme if it had appeared alone. For instance, if a candidate said, "I will create jobs, reduce taxes, and protect the environment," that statement would be considered three themes because it has three subjects: jobs, taxes, and the environment.

The next step in the coding procedure was to classify each theme by function (as an acclaim, attack, or defense) according to these rules: *Acclaims* are themes that portray the candidate or the candidate's party favorably. *Attacks* are themes that portray the opposing candidate or party unfavorably. *Defenses* are themes that repair the candidate's or party's reputation (from attacks by the opposing party).

Only utterances that performed the functions of acclaiming, attacking, or defending (which were in fact virtually all of themes in these spots) were analyzed in this research.

Third, each theme was classified by topic, as concerned with either policy or character, according to these rules: Policy themes concern governmental action (past, current, or future) and problems amenable to governmental action. Character themes concern characteristics, traits, abilities, or attributes of the candidates.

Fourth, each policy theme was considered to determine whether it addressed one of the Democratic or Republican issues selected for this study.

We verified inter-coder reliability on a sample of 10% of the texts. Cohen's (1960) *kappa* was calculated to control for agreement by chance. Inter-coder reliability for function was .93; for target of attack it was .91 to 1.0; for topic it

was .87; for form of policy it was .82; for form of character it was .95, for issue topic it was .84. Landis and Koch (1977) explain that values of *kappa* between 0.81 and 1.0 reflect "almost perfect" inter-coder reliability (p. 165). These values give confidence in the coding of these messages.

Lexis-Nexis polls from the Roper Center in 2007 were employed to select several Democratic and Republican issues to test the last hypothesis on issue ownership. The economy/jobs, health care, education, the environment, and Social Security were chosen as issues owned by the Democratic Party; immigration, terrorism, abortion, taxes, and crime were selected as Republican issues.

Results

The first hypothesis concerned the functions of TV spots in the 2008 presidential primary campaign. Overall, acclaims comprised 80% of the themes in this sample, whereas attacks accounted for 20% (no defenses were used in these ads). A *chi-square* goodness of fit test confirmed that this difference was significant (χ^2 [df = 1] = 581.17, p < .0001). The distribution of functions was about the same in both Democratic and Republican ads. So, the hypothesis on functions of 2008 presidential primary ads was confirmed; these data are also consistent with data from previous elections. See Table 1 for these data.

Table 1

Functions of 2008 Presidential Primary Television Spots

	Spots	Acclaims	Attacks	Defenses
Democratic				
Biden	6	26	0	0
Clinton	64	299	70	0
Dodd	8	31	4	0
Edwards	31	68	47	0
Obama	60	241	59	0
Richardson	19	81	12	0
Total	188	746 (80%)	192 (20%)	0
Republican				
Giuliani	18	92	12	0
Huckabee	10	53	7	0
McCain	19	97	23	0
Paul	8	42	3	0
Romney	41	191	60	0
Tancredo	2	2	3	0
Thompson	6	37	6	0
Total	105	514 (82%)	114 (18%)	0
Grand Total	293	1260 (80%)	306 (20%)	0
1952-2004		4123 (54%)	1544 (27%)	56 (1%)

Hypothesis two investigated the topics of the themes in these advertisements. In this sample, 58% of the themes addressed policy and the remaining 42% concerned character. Statistical analysis confirmed that this distribution was significant (χ^2 [df = 1] = 39.91, p < .0001), confirming H2; these data are also consistent with data from previous elections. Again, this distribution was similar in the ads from each political party. These data are reported in Table 2.

Table 2
Topics of 2008 Presidential Primary Television Spots

	Policy	Character
Democratic		
Biden	14	12
Clinton	216	153
Dodd	20	15
Edwards	56	59
Obama	163	137
Richardson	65	28
Total	534 (57%)	404 (43%)
Republican		
Giuliani	66	38
Huckabee	33	27
McCain	43	77
Paul	30	15
Romney	169	82
Tancredo	5	0
Thompson	28	15
Total	374 (60%)	254 (40%)
Grand Total	908 (58%)	658 (42%)
1952-2004	3066 (54%)	2601 (46%)

Research question 1 concerned the distribution of the three forms of policy. In these data, when candidates discussed policy, they addressed past deeds and general goals at the same level (46%) and future plans less often (7%). See Table 3 for these data.

Table 3
Forms of Policy in 2008 Presidential Primary TV Spots

	Past Deeds		Future Plans		General Goals	
	Acclaims	Attacks	Acclaims	Attacks	Acclaims	Attacks
Democrats	104	123	42	4	255	6
Republicans	111	83	21	0	150	9
Total	215	206	63	4	405	15
	421 (46%)		67 (7%)		420 (46%)	

The second research question addressed the distribution of the three forms of character. These candidates most often talked about personal qualities (50%),

leadership abilities next (31%), and, less frequently, ideals (19%). These data are displayed in Table 4.

Table 4
Forms of Character in 2008 Presidential Primary TV Spots

	Personal Qualities		Leadership Ability		Ideals	
	Acclaims	Attacks	Acclaims	Attacks	Acclaims	Attacks
Democrats	187	56	116	3	42	0
Republicans	73	13	79	3	80	6
Total	260	69	195	6	122	6
	329 (50%)		201 (31%)		128 (19%)	

The third hypothesis concerned issue ownership in these political advertisements. The Democratic candidates discussed their own issues in 93% and Republican issues in 7% of themes. Republicans, in contrast, focused on issues owned by their party (77%), with fewer themes devoted to Democratic issues (23%). Statistical analysis confirmed that this distribution was significant (χ^2 [*df* = 1] = 252.7, $p < .0001$, $\varphi = .72$). Benoit (2007) reports data on Issue Ownership patterns in presidential primary debates, which are consistent with these data. See Table 5 for these data.

Table 5
Issue Ownership in 2008 Presidential Primary TV Spots

	Democratic Issues	Republican Issues
Democrats	**253 (93%)**	20 (7%)
Republicans	50 (23%)	**171 (77%)**

Discussion

This study content analyzed presidential TV spots from the 2008 presidential primary election. Both Democratic and Republican ads were included in this sample (all ads in this sample were sponsored by one of the candidates rather than by PACs or other organizations). Functional Theory predicts that acclaims will be more common than attacks and defenses will be the least common function. Acclaims have no drawbacks; attacks have one risk – backlash from voters who dislike mudslinging; and defenses have three potential drawbacks – defenses often take a candidate off-message, they can create the impression that the candidate is not proactive, and they can remind/inform viewers of a potential weakness. Television advertisements from both Democrats and Republicans confirm this expectation.

Functional Theory predicts that policy will be more common than character. Some voters are mostly concerned with the candidates' character, but most voters view the president as a policy maker than a role model. In the spots analyzed

here, both Democratic and Republican candidates devoted more themes to policy than to character, confirming this prediction.

Functional Theory does not make predictions about the forms of policy and of character. In these data, past deeds and general goals were the most frequent forms of policy; future plans were discussed less often. Most character utterances discussed personal qualities, followed by leadership ability, and ideals were the least frequently discussed character form.

The last hypothesis was adopted from Issue Ownership Theory. As Petrocik (1996) predicts, in 2008 presidential primary ads Democrats discussed Democratic issues more, and Republican issues less, than Republican candidates. The effect size (.72) is quite large, revealing that the relationship between political party affiliation and issue topics discussed by these candidates is very large.

Conclusion

This study extended previous work on presidential primary campaigns to television spots from the 2008 election. As predicted by Functional Theory, and consistent with data from previous elections, acclaims were more common than attacks or defenses (no defenses were used in these ads) in this sample. The distribution of topics in these advertisements favored policy over character. Furthermore, the candidates in these campaign messages conformed to the expectations of Petrocik's Issue Ownership theory: Candidates emphasized the issues owned by their own political party more than the issues owned by the opposition party. Thus, the content of television advertisements in the2008 presidential primary campaign tend to conform to theoretical expectations and past research. Although the Democratic nomination for president was not contested in 2008 – President Barack Obama will have the opportunity to run for re-election. However, it would be interesting to see if the Republicans in 2012 follow the predictions of Functional Theory and past practice.

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Appendix
Acclaims and Attacks on Forms of Policy and Character

Policy

Past Deeds

Acclaim: Giuliani, "Challenges," "He cut taxes $9 billion, welfare 60 percent, crime in half."

Attack: Clinton, "Yucca," "John Edwards voted to keep Yucca Mountain [waste dump] open – twice."

Future Plans

Acclaim: Clinton, "President," "Hillary's plan: freeze home foreclosures, freeze rates on adjustable mortgages"
Attack: McCain, "Tied Up," Clinton wants to "spend $1 million on the Woodstock concert museum."

General Goals
Acclaim: Biden, "Cathedral," "We must end this war" in Iraq.
Attack: Giuliani, "Promise," The Democrats, Clinton, Edwards, and Obama, " are making the promise to raise taxes."

Character

Personal Qualities
Acclaim: Clinton, "Change," "she has the strength" necessary
Attack: Obama, "Candor," the other candidates are "dodging"

Leadership Ability
Acclaim: Biden, "Security," "for over 30 years and as head of the Foreign Relations Committee, Joe Biden has dealt with the world's most dangerous problems, from nuclear weapons in the former Soviet Union, to genocide in the Balkans and Darfur"
Attack: Romney, "Experience Matters," "Hillary Clinton wants to run the largest enterprise in the world. She hasn't run a corner store. She hasn't run a state. She hasn't run a city."

Ideals
Acclaim: Clinton, "Proud–Iowa," "I see so many families who share the same values I was brought up with. My mom taught me to stand up for myself and to stand up for those who can't do it on their own. I'm proud to live by those values."
Attack: McCain, "Trust," video of Mitt Romney: "I'm not running as the Republican view or a continuation of Republican values."

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